

EXHIBIT 29

VOL I

Exhibit 29

[REDACTED]
Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. [REDACTED] who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, [REDACTED] will ask you to review information you provided. [REDACTED] investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. [REDACTED] is assisted by Environmental Engineer Mr. [REDACTED] and Legal Advisor Mr. [REDACTED]

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: [REDACTED]

Q3: Your address and phone number where you can be reached?

A3: [REDACTED]

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am currently the WWTP Supervisor. Since Oct 06 I've been the water system engineer; waste water, storm water and water.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: As WWTP supervisor: Since April 3r – about 2 and ½ months.

Q6: What is your understanding of why you were assigned WWTP manager duties?

A6: I understand there were some issues with the WWTP operation and employee discontent and lack of satisfaction with operations and management.

Q7: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A7: No.

Q8: If so, what contaminants are being discharged in violation of the permit?

A8: N/A

Q9: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A9: No.

Q10: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A10: No. And I have not seen such documented in the daily logs by the operators. I review the operator logs regularly.

Q11: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A11: No. And I have not seen such documented in the daily logs by the operators. I review the operator logs regularly.

Q12: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A12: It's hard for me to judge, because I have no expertise in what they need. We recently purchased several thousand dollars worth of tools in response to operator requests.

Q13: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A13: Yes. Please refer to the 15 June Memo, paragraph 3, which I provided the IO.

Q14: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A14: No. However, see below.

Q15: If so, please describe?

A15: There is a request to provide safety railing for the scum vault that is pending. The work order has been submitted and I anticipate completion in the near future. The project is funded for this fiscal year. This work order was in place and being processed when I arrived.

Q16: What is your initial assessment of the operation of the WWTP process?

A16: The plant operates as a system, and the components do not operate independently. Every element of the system affects the other elements. Overall, I think the system has operated inefficiently. I attribute this primarily to insufficient oversight and management. However, operators also fail to take initiative to do more than the bare minimum specifically directed by the supervisor. If the operators are not given proper work direction and follow-up, things don't get done or work is not done properly. There is a pattern of single elements in the system not working optimally for protracted periods. This always degrades the system as a whole.

Q17: What is your initial assessment of the maintenance of the WWTP facility?

A17: We don't have a good preventive maintenance program. Too often practices are changed to suit employees rather than to meet the needs of the plant. For instance, employees do cursory operational checks and don't do consistent preventative maintenance work—this suits them more than doing the disciplined, detailed work needed by the plant. I have instituted a preventative maintenance program and schedule.

Q18: How accessible is polymer? To your knowledge is it expensive and does it have a short shelf life to the extent that it should not be stocked?

A18: Polymer, poly-aluminum chloride, is fairly accessible, expensive, and it has a relatively short shelf life. Polymer needs to be replenished regularly, as keeping large inventories is not effective.

Q19: Have operators asked you to order parts, tools, or safety equipment?

A19: Not really. Actually, the initiative to get tools was DPW management top driven. I am ordering tools, but I had to ask operators repeatedly about what they needed. The requests were not spontaneous operator requests. Management has not turned down any requests since I've been in the position, and they are funding my needs adequately.

I am also establishing a shop stock of equipment and parts that should be kept on hand. This did not exist before.

Q20: Please give examples?

A20: See above.

Q21: In your opinion, should these actions have been completed much earlier than your arrival.

A21: Yes. With a properly operating plant, these actions would have been in place – shop stock, preventative maintenance schedule etc.

Q22: What was your initial assessment of employee morale?

Q27: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns beyond what you have done?

A27: Leadership has signed an MOU with WA for pretreatment. This will help the WWTP immensely, because inflow will be a higher water standard, and there will be controls over what comes into the WWTP.

Q28: If so, what actions actions?

A28: See A27.

Q29: Why do you think several employees decided to voice complaints and concerns about WWTP operations and management?

A29: A sense on the part of employees that they are not cared about very much by management. Also, employees misunderstand and confuse the EPA permit requirements. They regularly confuse WWTP performance standards with inapplicable State of WA standards. Third . . . they don't seem to like [REDACTED]

Q30: Do you have other information relating to these matters you want to provide?

A30: The employees often hold up to management their operating certifications. But just because they are certified does not mean that the operators are performing up to their certification standards.

Also, it seems to me that [REDACTED] may feel overwhelmed and be subject to a lot of stress. This may be the result of him managing three shops. Stress seems to affect [REDACTED] ability to supervise and manage effectively.

This is an accurate summary of information I provided to the Investigating Officer:

[REDACTED]

Interviewee Signature

15 June 07
Date/

Recorder: [REDACTED]

IO: [REDACTED]

EXHIBIT 30

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
INSTALLATION MANAGEMENT AGENCY
HEADQUARTERS, UNITED STATES ARMY GARRISON, FORT LEWIS
BOX 339500
FORT LEWIS WA 98433-9500



IMNW-LEW-PWO

15 JUN 07

MEMORANDUM FOR IMCOM 15-6 Investigating Officer

SUBJECT: Current supervisor assessment of the WWTP

1. The purpose of this memorandum is to provide an assessment of the Fort Lewis Wastewater Treatment Plant (WWTP), derived from the past two months on duty, in terms of operator involvement in the plant operations, maintenance and repairs.

2. General. While the WWTP continues to meet permit requirements, it has been operating under constant stress to meet the demands of staffing, maintenance and repair. Many of the issues identified by the WWTP employees can be attributed toward the management to provide resources, direction and oversight. However, they also show employee pattern of failure to perform (duty) and take initiative. They have led to an atmosphere of disrespect towards the management and fellow employees who not necessarily share in the vocal group of employees' opinion.

3. WWTP operates as a system. If any one component, let alone multiple components, is not optimal, they have a ripple effect, as the waste flows through the plant processes and discharge into Puget Sound or recycles back into the beginning of the plant. Impacts are typically not immediate, rather evidenced over time, in reduced wastewater and biosolid quality. Below are only few of the maintenance or repair issues that I observed that highlight a pattern of neglect that impacts the WWTP performance. They may have been avoided through heavy oversight and direct supervision, but nothing that licensed operators, who ultimately have the intimate knowledge of the plant, cannot address on their own.

a. Compressor oil bypass. The Fuller compressor uses approximately 2.5 gallons of oil, per manufacture specification, to cycle methane gas through the digesters. The oil water separators (OWS) that remove the oil from the compressors have been bypassed for the past several years, per operators' recollection. Not only were the OWS bypassed, when the operator went to put it back on line, we discovered that there were no oil filters inside OWS to even make the OWS operate properly. Thus, the plant has been putting in approximately 5.0 gallons of oil into the digesters on a weekly basis (with two compressors in operation), without separating out the waste oil. The operators have had full knowledge of this occurrence, and continued to ignore it and claimed to have been directed by previous supervisors, until been directly told to correct.

b. Biogas system not maintained. Most of the biogas equipment has never been maintained, since they were installed during the major renovation of the plant in 2004. Most of the spark arrestors and valves are completely painted over, and indications show that not one bolt has been turned to service the filter or perform maintenance, as the manufacturer recommends on a semi-annual period. The operators acknowledge that they understand the issue, but have not been specific directed by past supervisors to anything about it.

c. Aerated grit basin auger not operational. According to the operators, one of two independently operated aerated grit basins has not been in operation for the past several years. When drained, we discovered that the coupling that helps to drive the auger that collects the settled grit was broken. Once repaired after the replacement parts arrived, we put this one on-line and decided to service the other chamber (only one operational). When the operators drained the other, we discovered that the second auger coupling was also broken, and that it has not been operational for an extended period of

IMNW-LEW-PWO

SUBJECT: Current supervisor assessment of the WWTP

time, as evidenced by our inability to loosen the hardened grit in the auger channel even with a pressure washer. So, we have been passing solids into the treatment process that should have been removed in this preliminary treatment process.

d. Polymer feed mechanism is not operational. The WWTP, to the operator recollection, have not had the polymer feed component in operation for several years. The intent of our polymer uses was to introduce flocculating agent to the secondary clarifier in order to help further settle the solids, just prior to the discharge of the effluent into the sound. The addition of polymer do not necessary violates the discharge permit, but they do help the plant by reduce floatable solids in contact chamber and help the thickening process in the gravity thickener.

4. The way ahead. The WWTP is currently undergoing various changes to improve employee morale and increase plant conditions and efficiencies. Initiatives are in place to lay fiber for communication networks, provide resources to purchase operating tools and repair inoperable equipment, and change preventive maintenance programs to address past shortcomings.

5. The POC for this matter is undersigned, at (b)(6) or email at (b)(6)

(b)(6)

YD-02

Fort Lewis WWTP Supervisor

EXHIBIT 31

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(b)(6)

Interview Record

AR 15-6

Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: Installation Safety Office, Building 2007A, Room 209, Fort Lewis WA, 98433; (253) 966-6923

Q4: What is your job, and what is your relationship with the Fort Lewis WWTP?

A4: I am a safety and occupational health specialist. And I have oversight responsibilities relating to safe operations of the WWTP.

Q5: How long have you been employed by Fort Lewis in this capacity?

A5: 5 years.

Q6: Are you aware of any confined space entry issues raised by WWTP employees?

A6: Yes. Safety Office records reveal that confine space issues relating to the WWTP existed in the early 90s, but I am not aware of confined space issues, incidences, or reports in the past couple years.

Q7: Do you have any knowledge of the headworks at the WWTP and concerns of WWTP employees about inhaling chemicals or pathogens?

A7: Fall of 2006 WWTP employees complained of exposure to hazardous substances.. The industrial hygiene office did a work place assessment and determined that there was no exposure issue or problem. Please see the 30 Aug 2006 Industrial Hygiene Workplace Assessment memo provided IO.

Q8: Do you have any knowledge of a high pressure line burst on a sewer cleaning truck in about summer 2006? If so, please explain, including the safety office response and conclusions?

A8: I have no personal knowledge.

Q9: Do you have any knowledge of WWTP employee safety concerns about repairs to a digester gas swing arm within the last year? If so, please explain, including the safety office response and conclusions.

A9: Please see the 7 May 2007 MFR on this subject given to the IO. Generally the MFR explains that the Safety Office investigated the event. The Safety Office generally found that the repair was made by (b)(6) and that he failed to use non-sparking tools in a flammable gas environment. (b)(6) also failed to inform the duty operator as he was required to do that he was performing the repair work

Q10: Are you aware of any other health or safety issues that exist or have existed at the WWTP?

A10: No.

Q11: If so, please describe?

A11: N/A

Q12: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A12: No personal knowledge.

Q13: If so, what actions?

A13: N/A

Q14: Do you have other information relating to these matters you want to provide?

A14: I want to provide you the DPW safety plan, the DPW O&M Division Safety Plan, and a confined space SOP in case these could be useful to you. (Note: Provided documents to IO)

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

Date

15 June 2007.

Recorder:

(b)(6)

IO:

Shawn J. Hodgson

EXHIBIT 32

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(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer [REDACTED] and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No.

Q2: Please state your name.

A2: (b)(6) [REDACTED]

Q3: Your address and phone number where you can be reached?

A3: (b)(6) [REDACTED] (b)(6) [REDACTED]

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am the Director of Public Works.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: 8 months. Previous to that I was the Deputy Director for about 10 years. Before that I was the Environmental and Natural Resources Division Chief.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: No.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: N/A

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: I routinely review and frequently sign the DMR. The last time I saw a permit exceedance, it concerned pH. I cannot recall seeing a discharge that exceeded the permit.

Q9: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A9: I have no reason to believe that employee requested tools, parts, and supplies have not been readily available. Actions are being taken to obtain identified tools and parts. Funding is and has been adequate to meet these requirements from the municipal services account. If a redundant system is not repaired, it is not because there is no money.

Q10: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A10: I learned only this week from (b)(6), the engineer serving as the WWTP manager, that a pump system on the top of a digester is malfunctioning. I immediately directed for the system to be brought back on

line and with new filters. I am not aware of any other system or process failures or deficiencies caused or contributed to by inadequate maintenance or lack of necessary chemicals.

Q11: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A11: I am not.

Q12: If so, please describe?

A12: N/A.

Q13: Did you participate in hiring of as the WWTP supervisor?

A13: I did not.

Q14: In what capacity?

A14: N/A.

Q15: What happened that created a requirement to hire a WWTP Manager?

A15: The previous WWTP manager left federal service.

Q16: What were the job qualifications, including your understanding of experience, education, training and certifications?

A16: My understanding is that the supervisor had to hold or be able to obtain a WA State WWTP certification equal to the classification of the WWTP.

Q17: Are you aware that allegedly directed an employee to call and tell him the job was being announced and he should apply?

A17: I have no knowledge.

Q18: To your knowledge, did meet all of the required qualifications that were announced and that were in the position description?

A18: Since he was on the referral list, I assume he was screened by Civilian Personnel Office and found eligible and qualified for the job.

Q19: Were you able to observe (b)(6) leadership style, decision making, and results of his decisions?

A19: Not directly. I have not personally observed his leadership style. I have observed results of some of his decisions. It is my opinion that ineffective supervisor/employee communication may be at the root of some of his challenges.

Q20: How would you evaluate (b)(6) competence as a WWTP supervisor?

A20: Technical: Although I don't have any direct observations, I have inwardly reflected on some of his decisions. No specific examples come immediately to mind. Managerial: I think (b)(6) has difficulty in effectively communicating his performance objectives and expectations to his employees. I have directed (b)(6) to undertake coaching and mentoring with (b)(6). Based on feedback from (b)(6), I conclude that (b)(6) and (b)(6) are doing this.

Q21: Are you aware that (b)(6) has not received a performance appraisal for his current position, and that he has not received an appraisal since his prior supervisor did one in 2005?

A21: No. I am not.

Q22: If (b)(6) stated that he has never been counseled by (b)(6) and that he has specifically asked (b)(6) for guidance and assistance with respect to WWTP employees, but has received none, do you think this would be truthful?

A22: I have no current basis right now to assess that.

Q23: What are your permanent management plans for the WWTP?

A23: My organization is under an MEO. We are in our first performance period. As such, I'm not allowed to increase permanent positions. I can make temporary reassignments, as I have done at the WWTP. I intend to assess permanent solutions at the end of the initial performance period.

Q24: What corrective actions have you or other local leaders taken in response to WWTP contamination, safety, and management concerns?

A24: We have corrected or we are in the process of correcting every validated complaint. Please see the document I gave IO on this topic on 12 June 2007. I will also provide an updated document; we generate these action documents every two weeks.

Q25: Why do you think certain employees have complained about WWTP operations, effectiveness, and management?

A25: I think there may be a misunderstanding by employees between State regulations as they pertain to a federally owned WWTP. There may also be issues concerning departure of the employees' prior supervisor and his replacement by (b)(6). It seems that (b)(6) may be attempting to hold the WWTP employees accountable for meeting responsibilities in a way that they have not been held accountable for years, and the employees are resisting.

Q26: Do you have other information relating to these matters you want to provide?

A26: There are two major discharges into Puget Sound that are in close proximity to each other, Pierce County's Chamber Creek treatment plant, and ours. I think a viable way to address many concerns would be to evaluate a business case for diverting Fort Lewis waste water stream into the County System. Potential Benefits: (a) The Army's plant is aging and will soon face millions of dollars of needed retro-fit; (b) this would bypass the aging system and allow for complete demolition; (c) this would provide for more capacity and system flexibility as Fort Lewis meets requirements requirements of transforming Army; (d) this would also be environmentally sound because the Fort Lewis waste would be subject to tertiary treatment and subject to rigorous state regulations for discharge into Puget Sound.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

14 June 2008
Date

(b)(6)

Recorder:

IO: John J. Adgini

EXHIBIT 33

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Exhibit 33

[REDACTED]
Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. [REDACTED] who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, [REDACTED] will ask you to review information you provided. [REDACTED] investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. [REDACTED] is assisted by Environmental Engineer Mr. [REDACTED] and Legal Advisor [REDACTED]

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No.

Q2: Please state your name.

A2: [REDACTED]

Q3: Your address and phone number where you can be reached?

A3: [REDACTED]
[REDACTED]

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am the water utilities supervisor. Grade WS-10. The WWTP supervisor, water treatment plant, and the outside collection crew supervisor.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: Since January 2006. I was temporarily assigned or detailed to the job in fall of 2005.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: No, I do not.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: N/A

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: I have seen the test results that we do on the discharge. Several times we've exceeded the pH limit, and there is no limit on oil, so that is a dead question. Until the EPA establishes a limit, that is outside the scope of the law. We've had high oil discharges, but we are trying to resolve this. This relates to the War . . . lots of vehicle cleaning. We have also had some illegal dumping into our system. About four or five years ago, a diesel truck dumped into our system. The pH will fluctuate when something toxic goes through the system. When we notice this, it's too late to stop it, but it gives us notice. We can't pinpoint what it was, but we know something happened.

Money shortages affect my ability as a supervisor to respond sometimes. But I don't make those decisions.

Back to the pH, this equates to contaminants being released in the effluent, but I don't know what they are. These pH fluctuations are documented. pH is an alarm to start paying attention. Since I've been the supervisor, we've exceeded pH twice. Sometimes the operators do not notify management of irregularities.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No, not more than what I would consider trace amounts. If the operators see more than trace amounts, they are supposed to log this in, and immediately notify me or proper management. We then would notify EPA and jointly work a solution. I've never been called by an operator to notify that they have seen anything going over the weir.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: Yes I do.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: Yes I do. Sometimes when elements of redundant back up systems go down, the back up stays unrepaired until funding becomes available. The culprit has been funding.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: No.

Q14: If so, please describe?

A14: Employees have reported incidents of safety concerns, but their expectation of response times is unrealistic. Health and safety offices send response, but it does not happen instantaneously like some employees want. For instance, there was employee concern about breathing headworks fumes, inadequate lighting and other things. The employees want immediate fixes, but health and safety offices study and prescribe fixes on their schedule.

Sometimes the findings are not as the employees wish. Since I've been supervisor, there has only been one need for a safety office response.

In that case an operator reported that I was using unsafe procedures for a gas arm removal. I researched the proper procedures and did the work correctly. The safety office response report will validate this. The only thing I think I did wrong is that I should have fixed the problem on Friday when I learned of the problem. Instead I waited until the following Monday. I did this so there would be time to dilute the methane gas concentration and so I could research proper repair procedures.

Q15: What was your job immediately prior to becoming the WWTP manager?

A15: I was a waste water operator from Jan 2000 to the time I was detailed as WWTP supervisor.

Q16: What happened that created a requirement to hire a WWTP Manager?

A16: My boss left federal service.

Q17: What were the job qualifications, including your understanding of experience, education, training and certifications?

A17: Under the MEO we went from three supervisors for three shops to one supervisor for all three, the water system, waste water, and collection. I was the only one on Fort Lewis that had experience in all three systems

Q18: How and when was the job announced so people could apply?

A18: It was announced on the OPM website in December 2005. Close to Christmas. I was home on Christmas Break and I got a call from Mr. [REDACTED] Secretary, [REDACTED]

Q19: When did the announcement close?

A19: I think the announcement closed right after Christmas. The job announcement was open for a week or two

Q20: How were you informed of the job announcement?

A20: [REDACTED] secretary, called me at home. She told me that [REDACTED] told her to call me so that I would apply.

Q21: Did anyone help you repair and submit you resume and application?

A21: Yes. [REDACTED] helped me. She had been directed by Mr. [REDACTED] to help everybody in the division who wanted help. So she helped me. [REDACTED] and I had always gotten along, and she seemed very willing to help me. To my knowledge, [REDACTED] helped every WWTP employee with their resume and input to Resumix.

Q22: On what basis do you think you were qualified and selected for the WWTP manager job?

A22: My prior past experience, my certifications, and the fact that I had been satisfactorily doing the job since the fall of 2005.

Q23: Do you feel that you met all of the required qualifications that were announced and that were in the position description?

A23: All but one. I was not certified at III for WWTP, I was a II. The announcement said I qualified for the job if I obtained a III certification within one year. I have not yet achieved the WWTP III certification. I am scheduled to take the WWTP III exam on 15 June 07. It takes about six weeks to get the results.

Q24: How would you describe your leadership style and decision making?

A24: I know my weaknesses. I don't communicate enough. Other than that, my style is that I expect workers to take responsibility for doing their work and earning their pay. Some think I am vindictive, but I don't have time to be vindictive. I don't hold grudges, but some may think I do. Some workers just can't let go of grudges and won't move on.

Sometimes I'm authoritarian when I'm under time constraints.

Q25: How would you evaluate [REDACTED] competence as a WWTP supervisor?

A25: I think I am OK. I am technically competent. I do a lot of study and research.

Q26: When was the last time you received a performance appraisal?

A26: The last time I received a performance appraisal was in 2005 from my form boss. I've asked about it, but I've not received one.

Q27: If you were rated today by [REDACTED], what rating do you think you would receive?

A27: Needs improvement. I don't think [REDACTED] likes the way I've tried to do things with some of the employees. He's told me. I've tried to make changes, and suggested that [REDACTED] mediate with employees that I have trouble with. He has not done this. I also have talked with the labor lawyer, [REDACTED] looking for help. She told me legally I am between a hard place and a rock. She advised me to persevere. I have also talked with the Director [REDACTED]. He said I should go through the LEAD (Leadership, Education, and Development). But I've already taken the course and I am an instructor. I also volunteered to be an EEO counselor so I'd have a full understanding of the personnel process.

Q28: How would you rate yourself today on your performance at the WWTP?

A28: The lowest would be a 2 and the highest would be a 1. I initiated needed changes. I started buying the needed equipment. I started instilling operator discipline . . . made them clean up after themselves, take care of their tools and equipment. And I noted stealing from the central tool facility. I've seen shop tools in at least one employee's garage when he asked me to do some electrical work in his garage. The tools were engraved WWTP . . . the mark we place on shop tools. To manage this, I started requiring tools to be on the property book and hand receipts. The employees did not like this.

Q29: What job are you currently performing?

A29: I am the supervisor of the water treatment plant and the collection shop. I have been relieved of my WWTP duties. Mr. [REDACTED] told me verbally. I've not received any paper. He said that due to the "current situation my presence would be inflammatory at the WWTP". He was referring to complaints. He has put the system engineer, Mr. [REDACTED] in charge of the WWTP. I was removed from WWTP duties well about two months ago.

I consult with [REDACTED] regularly. Nobody has explained to me how long this temporary arrangement is to continue. I am in the dark.

Q30: Why do you think certain employees have complained about WWTP operations, effectiveness, and management?

A30: The operators have so much time on their hands, and they have seen that their little world has shrunk. For instance, they used to take lunch on the government's time. They had an eight hour shift including lunch. I added thirty minutes per day for lunch, because this was the Dept. of PW standard. The employees got very angry, and hostilities started there. I stopped breakfasts . . . it was a common practice for operators to come in and take breakfast for the first hour. They prepared and ate breakfast in the onsite kitchen. Although I did this as an operator with the other operators, it was a bad past practice. Instead of these practices, they should have been doing operator/repair work. I also set a policy that shop equipment should not be taken home for personal use, such as pressure washers. The equipment either did not come back, or came back broken. I told the employees that I would call Criminal Investigation Division the next time something was removed from the plant. I implemented a policy that the operators/repairs would start taking care of the grounds work. The plant was a mess. The employees said I was making too many changes too quick. I was trying to implement order, discipline and pride, but the employees resisted.

Q31: Do you have other information relating to these matters you want to provide?

A31: The organization has put in some good programs for employees to put in legitimate complaints. If you see something wrong, an employee can fill out a card that goes to a committee in PW that investigates and responds. We also have an environment management system. If the employees had a valid complaint, they should have used these systems so problems could be looked at in house. It stumps me why employees haven't done this.

My biggest complaint as a supervisor is funding. I have no control over this. Employees have to rob Peter to pay Paul. The employees are frustrated, thinking I am responsible. I'm not.

Q32: Did you have any knowledge of bypass of the oil separator on the number two digester compressor?

A32: No. I have no knowledge of this. However, I know that some operators would make this type of change and not notify me.

This is an accurate summary of information I provided to the Investigating Officer:

[Redacted Signature]

Interviewee Signature

06/14/2007
Date

Recorder:

[Redacted Recorder Name]

IO:

[Redacted IO Name]

EXHIBIT 34

VOL I
Exhibit 34

[REDACTED]
Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. [REDACTED] who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, [REDACTED] will ask you to review information you provided. [REDACTED] investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. [REDACTED] is assisted by Environmental Engineer [REDACTED] and Legal Advisor [REDACTED]

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No.

Q2: Please state your name.

A2: [REDACTED]

Q3: Your address and phone number where you can be reached?

A3: [REDACTED]

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am the division chief of the PW operations and maintenance division. The WWTP is under my supervision and management. The WWTP manager works for me.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: I have been in charge of the WWTP since about mid-2005. I've worked for FL DPW since 1994.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: No. I came to this assessment because according to our permit, oil and other similar contaminants are not part of our permit.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: N/A

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: There has been occasion on the DMR when we have been out of compliance on chlorination.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No personal knowledge.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: For the most part, I do believe that. There have been periods of time that because of budget constraints we get a backlog, but on critical tools and equipment, we order those things. WWTP orders are always a high priority. Budget constraints exist, but to my knowledge these never prevented the WWTP from getting what they needed.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: Not until this week. Just this week I learned that a WWTP compressor on a digester had an oiling system problem. Apparently an oiling system had been bypassed. This condition apparently existed for a number of years. Operator JJ Chambers had previously mentioned to me that he thought excessive oil was in the WWTP cycle. He told me about his concerns about six months ago. The pumps are old and in bad shape and we had been planning on replacing them. In response to [REDACTED] concerns, I talked with [REDACTED] and he prepared repair requests. The requests are still pending. In response to finding out this week about the oil by-pass, I talked to the new WWTP manager. He placed it back on line with an appropriate filter.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: No, I am not.

Q14: If so, please describe?

A14: Other safety shortfalls and incidents: Operator [REDACTED] called me on repair of a gas swing arm she was concerned about. She was concerned that [REDACTED] and other workers were using unsafe repair methods. Safety was called, investigated and reported that the work was being performed in compliance with safety requirements (IO requested of report).

Q15: What was [REDACTED] job immediately prior to him becoming the WWTP manager?

A15: WWTP operator for about three or four years.

Q16: Did you participate in hiring of [REDACTED] as the WWTP supervisor?

A16: Yes.

Q17: In what capacity?

A17: I was the selecting official.

Q18: What happened that created a requirement to hire a WWTP Manager?

A18: The previous supervisor departed federal service.

Q19: What were the job qualifications, including your understanding of experience, education, training and certifications?

A19: There wasn't a specific experience, education, or training requirement. There was a requirement to have a class three license or be able to get one within a year. When I got the referral list, [REDACTED] was the only one on the list, and [REDACTED] had a class II WWTP license. Class III for water.

Q20: How and when was the job announced so people could apply?

A20: The job was announced through USAJOBS and the CPOL website. This was in December 05.

Q21: When did the announcement close?

A21: It was open for about 10 days. I don't recall asking anyone to keep it open for a short period of time. This is usually not my decision.

Q22: To your knowledge, how do you think [REDACTED] was informed of the job announcement?

A22: By going to the Webb site. All the employees knew the job was coming open to replace the departing WWTP manager.

Q23: If one of your subordinates stated that you directed that employee to call [REDACTED] and tell him the job was being announced and he should apply, and [REDACTED] stated he got such a call, would either be telling the truth?

A23: I don't recall doing that. But they could be telling the truth.

Q24: Did you direct an employee to tell any potential applicants or did you tell any potential applicants that the job was being announced and that they should apply?

A24: I don't recall directing anybody to tell someone the job was being announced and that they should apply. I talked with [REDACTED] and may have mentioned that the job was opening.

Q25: If one of your subordinate employees stated that you directed that employee to help [REDACTED] prepare and submit his resume and application for the WWTP manager job, and [REDACTED] stated that your subordinate helped him prepare and submit his application and resume, would either be telling the truth?

A25: Yeah, I recommended that all employees get help in submitting resumes to RESIMIX. Many of my employees are wage grade. They don't have access to computers and can use the help.

Q26: On what basis did you select [REDACTED] for the WWTP manager job?

A26: Based on his experience and the licenses he had. I was satisfied with his prior performance and knowledge he demonstrated to me.

Q27: Did he meet all of the required qualifications that were announced and that were in the position description?

A27: He did not meet the level III WWTP licensing requirement in 2005. But he had a length of time to obtain that. He still has not obtained the license.

Q28: Were you able to observe [REDACTED] leadership style, decision making, and results of his decisions?

A28: Yes.

Q29: How would you evaluate [REDACTED] competence as a WWTP supervisor?

A29: I think he is as technically sound and competent as anyone. Managerially, he is a bit rough. I'd rate him about in the middle in management skills. Managerial, I think he has room for improvement on how he handles people. He can be a little heavy handed. He also tends to take things a littler more personal than he should. The result of this shortcoming is that it creates friction with his subordinates.

Q30: When was the last time you did a performance appraisal on [REDACTED]?

A30: I haven't yet. I am definitely behind on performance appraisals. I've not rated [REDACTED] since he took the manger's job in 2005.

Q31: How did you rate [REDACTED]?

A31: N/A

Q32: If you were to rate [REDACTED] today on technical competence, how would you rate him?

A32: I would rate him the highest rating on technical competence.

Q33: If you were to rate him on management and supervisory competence, how would you rate [REDACTED]?

A33: I would rate him as average . . . level three I think.

Q34: Have you done performance counseling sessions with [REDACTED] and did you document these counseling sessions?

A34: I've not counseled [REDACTED]

Q35: What job is [REDACTED] currently performing?

A35: Supervisor of the Water Treatment Plant . . . external water and sewer shop. He's not supervising the WWTP. Nothing official has been

done. The change has been verbal and informal. It occurred about two months ago, because of complaints.

Q36: To your knowledge, what job is [REDACTED] performing?

A36: He is performing as supervisor of the WWTP and water systems manager. Again, the WWTP supervisor assignment has been informal to my knowledge. The water systems manager job was his job prior to him picking up the WWTP duties. I am [REDACTED] supervisor, but it's informal. [REDACTED], Deputy Director of PW is still doing his performance objectives and such.

Q37: When was [REDACTED] changed to these duties, and why?

A37: He was assigned WWTP manager duties because of complaints about the WWTP operations and management. This was about two months ago.

Q38: What is your assessment of this change on WWTP operations and staff?

A38: The employees at the WWTP seem more satisfied. Personally, I think the change was part of their agenda. On the other hand, I was informed that other WWTP employees said they would only have to put up with [REDACTED] for 120 days. I don't think the plant is operating any better with [REDACTED] there than with [REDACTED]. There is room for improvement. There are duties that the operators should be doing that they are not doing. This included such things like the previously mentioned oil bypass problem. Some equipment is not functional and has not been identified. I agree that the Plant Manager ultimately has responsibility. But there is an operator mindset that "I don't do maintenance, I am an operator." That is a tough attitude to change.

Q39: Are you aware of any other corrective actions you or other local leaders have taken in response to WWTP contamination, safety, and management concerns?

A39: Yes.

Q40: If so, what actions actions?

A40: Recently there was an agreement with the State to do pre-treatment. Other than that, I'm not aware of anything.

Q41: Why do you think certain employees have complained about WWTP operations and effectiveness?

A41: The heart of this is the change of supervision from the previous WWTP manager to [REDACTED]. Also with this change, came a change to the Most Efficient Organization (MEO) implementation. Under MEO, workers were being asked to qualify for additional duties and responsibilities. I also think there are personality conflicts between [REDACTED] and some of the operators. I personally believe the employees are chiefly responsible for the conflicts. [REDACTED] is trying to enforce reasonable procedures, and they resist. The employees are consciously taking steps to make this operation fail. For instance, the workers had straight 8 hour shifts which amounted to a paid lunch. So we added a half hour to their shift schedule. This started resistance and hostilities when [REDACTED] implemented this. [REDACTED] also initiated a preventive maintenance program, but the operators did not want to perform this work.

Q42: Why do you think employees complained about WWTP management?

A42: See above.

Q43: Do you have any knowledge about a complaint that an employee under your supervision threatened another employee by swinging a pipe in their direction and making threatening remarks?

A43: Quite a while ago. That was [REDACTED] against [REDACTED] [REDACTED]. About two or three years ago. But that was dealt with.

Q44: If so, what action did you take, and what is the status of that action?

A44: [REDACTED] ended up receiving some formal disciplinary action, but I don't recall what it was.

Q45: Do you have other information relating to these matters you want to provide?

A45: I don't have anything specific. I just wanted to make sure about the digester compressor thing. It was ongoing for years, but I was just made aware of it.

Q46: What's your understanding of the long term plan for WWTP manager position?

A46: I understand that at the end of the commercial activities study performance period, [REDACTED] will make a decision on how he wants to manage the WWTP.

Q47: What is the right remedy for the WWTP?

A47: I think that an engineer should oversee the plant functions . . . water treatment and waste water treatment.

Q48: Did the shops also have an unpaid lunch?

A48: Only the boiler plant operators have a paid lunch—because of their requirement to stay on site. This requirement does not exist at the WWTP or anywhere else. So everyone except the boiler operators now have an unpaid lunch.

This is an accurate summary of information I provided to the Investigating Officer:

[REDACTED]

Interviewee Signature

6/14/07
Date

Recorder:

[REDACTED]

IO:

[REDACTED]

EXHIBIT 35

VOL I

Exhibit 35

(b)(6)

Interview Record

AR 15-6

Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

phone (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: Work as a WWTP operator.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: Worked on base for 27 years. Seven years at WWTP as an operator. I previously worked for water and sewer shop. Now a certified Grade 2 operator.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: Tests have shown oil is going into the sound. I have not seen the results.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: I only know of the oil. It has gradually gotten worse since the war.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: I know that the tests have been done but have not seen results.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No. I have seen it behind the skimmer troughs. The amount leaving would be trace amounts.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. We don't have a lot of tools. But we now are getting tools ordered. Not a lot of spare parts for pumps. Stock management caused a lot

of reduction in supplies – dropped back to minimum supplies. Things are improving. A new boss is helping out (b)(6).

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: Chemicals no. Problems with sludge pumps because of not having parts on hand but that's now fixed. The stuff that was down is now working. The auger was down for a year because parts were not ordered, but not sure if it was due to paperwork problem.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes

Q14: If so, please describe?

A14: Safety railing not being put up and a set of stairs to the grease vault. The movable arm incident on the digester but I was not present.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: For about 2 and half years.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: To a certain degree.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: Not the best for the job. He is a hard man to get along with but I do. There were other people as qualified as he that had the required license for the WWTP supervisor. There was no written notification posted in the plant like previously done for job announcements. He is hard to work for – does not take suggestions from employees. It was his way only. On the technical side he may not be up on the processes but that is what the books are for. Not good at communications - some good and some not so good.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: Yes

Q20: If so, what actions actions?

A20: Agreement to implement a new pretreatment plan. Environmental test results are now coming down to be kept on file. Management is now taking steps to improve.

Q21: Do you have other information relating to these matters you want to provide?

A21: I do not have anything. I like my job and enjoy going to work. **The best** thing that could be done would be to stop the oil from coming in and give the other people a chance for the supervisor's job. Since Al left moral has improved. Prior to that it was turmoil. I like Al and get along with him.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(8)

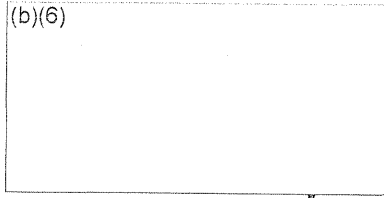
Interviewee Signature

6-13-07

Date

(b)(6)

Recorder:



IO:

John J. Hodgini

EXHIBIT 36

VOL I

Exhibit 36

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No.

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6) (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I have no relationship with the WWTP. I am now retired. Prior to retiring on Aug 5th 2006, I was employed as a plumber at Fort Lewis. My Supervisor was (b)(6).

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: I worked in this capacity since 1990. I retired with 23 years federal service.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: I have no knowledge.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: N/A

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: No

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No knowledge of WWTP. In the plumbing shop, I had the tools and equipment necessary for my job.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: No knowledge

Q13: Are you aware of any repeated incidences of occupational safety or health risks that were reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: For my entire time in the plumbing shop, we request chlorine training, but (b)(6) would not approve the training.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: No. (b)(6) was not my supervisor. I once worked with him in the Repair shop where we taught Soldiers how to do self-help work. This included things like simple plumbing and carpentry. This was about six or seven years ago.

Q16: If so, for how long?

A16: I worked with (b)(6) for about a year.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Not as a supervisor.

Q18: How would you evaluate (b)(6) competence?

A18: He was good at the repair shop training work.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: No knowledge.

Q20: If so, what actions actions?

A20: No knowledge.

Q21: Do you have other information relating to these matters you want to provide?

A21: I am concerned about management. We had an incident that was never handled. (b)(6) threatened me and (b)(6) with a three foot pipe. (b)(6) and I had come in a little late one morning. I said I would work to make it up. We went into the back shop and Angel blew up. (b)(6) and I told him to settle down. He picked up a pipe, swung the pipe at us, and said words to the effect that "I'm going to kill you mother fuckers." We reported this to (b)(6) and it was reported to (b)(6) and (b)(6). I was told that (b)(6) took reports, but apparently they were lost. To my knowledge, nothing has ever happened about this. Angel was still at Fort Lewis when I retired, and nothing was done. That is why I retired. I considered Angel a threat, and management did nothing in response to this.

I don't think management does their job. They micromanage details of employees work, and do nothing about the important issues.

Before I retired, I had shoulder surgery that temporarily limited my physical ability. About the first of August 2006, three managers, (b)(6), (b)(6), and (b)(6) got me in an office and asked me what they could do to get me to decide to retire. This was wrong. But I could do nothing, so I retired effective August 5th. I retired under duress, and would not have retired if these matters were handled properly. As a result of all this, I had a nervous break down.

I also think Fort Lewis staff did not properly help me or inform me of benefits when I processed my retirement. I'm still trying to get my pay right, and trying to get someone to help me understand my entitlements. Nobody at Fort Lewis is willing to help, and they just give me phone numbers to call back east. I just wasn't treated right. Since retiring in August 2006, I've only received two retirement checks. My retirement pay is not caught up. I've received no counseling. All I got was a booklet on

retirement in the mail about two months ago. I call, people say they will call back, and nothing happens.

This is an accurate summary of information Mr. Predmore provided in a telephone interview with Investigating Officer Mr. Tom Hodgini on 13 June 2007.

(b)(6)

(b)(6) Interviewee

6-13-7
Date

Recorder:

(b)(6)

IO: Tom J. Hodgini

EXHIBIT 37

VOL I

Exhibit 37

(b)(6)

Interview Record

AR 15-6

Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: 

Q3: Your address and phone number where you can be reached?

A3: (b)(6), Cell (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: Retired, from PW. Detailed to Fire Department due to back injury from 27 Jan 2003 to Sept 9 2006. I worked as an exterior plumber servicing the water and sewer department from Nov 1983.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: Federal employee 37 years.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: No knowledge.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Not applicable.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: No.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. We often had to piece meal (cannibalize) equipment together to keep things operating because we did not have spare parts. For instance,

this happened often with lift station pumps. I remember this happening at Madigan.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: No.

Q13: Are you aware of any repeated incidences of occupational safety or health risks that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: In about summer of 2002, the lift station at Madigan, which is about 30 feet deep, had to be pulled. (b)(6) (b)(6) and I were on the job. We opened all three lids on the lift station. (b)(6) straddled the opening with out harness or safety equipment. We told him to move out of the dangerous position, but he refused. I reported this incident to PW leadership, and I was treated like I was a whiner. (b)(6) is a dangerous man when it comes to safety.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: I worked for him for only about two months.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: Poor. For instance, I had a spinal fusion. The Civilian Personnel Office and Public Works knew my physical limitations, but only offered me plumber jobs I could not perform. When I reminded him of my physical limitations, he responded with "tough shit." This occurred three times. I appealed up my supervisor chain. I asked to see the Director of PW, (b)(6) (b)(6), three times, but he would not see me. ((b)(6) provided IO medical documentation).

(b)(6) told me he was going to make a job removal proposal because of my limitations. He did not do so because of the pending MEO process.

(b)(6) is not competent. He climbed on top of panel trucks to do overhead work rather than using the bucket lifts as he was reminded to do. I reported this as well, but again was treated like a whiner.

At the oil water separators, (b)(6) went ballistic and took all the rubber ropes off the oil water separators that are used as skimmers. This made it so that the oil water separators could not skim off the oil. Instead, the oil went into the storm system. This was not a temporary change, but one he intended as permanent. The rubber skimmer ropes may still be off today.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: No. Not since I retired.

Q20: If so, what actions actions?

A20: N/A

Q21: Do you have other information relating to these matters you want to provide?

A21: Although Fort Lewis considers my retirement voluntary, I do not. I retired because DPW would not offer me a job that I was physically capable of performing, although I know there are jobs I can do in DPW. DPW and Civilian personnel told me there were no jobs I was qualified for. The environment is stressful and hostile. For instance, when I had hand surgery, (b)(6) asked me "how do I know that you didn't go to Walgreens and buy a splint and just wrap up your hand?" Finally, my wife and I decided we didn't need this, so I applied to retire.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

6-13-07

Date

(b)(6)

Recorder:

IO:

Ken Hodgson

EXHIBIT 38

VOL I

Exhibit 38

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No.

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am a DoD employee. I am a buyer in the interior electric shop, with in the Public Works O&M Division.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: About 7 years. I have been a federal employee for 18 years.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: Yes

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: I know that the oil and diesel coming from the motor pools is being dumped. At one time, I was told by my friend ^{(b)(6)} that oil and diesel were dumped into a man hole, and that this made her sick.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: No.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. One day, in about Summer 06, WWTP workers were telling their buyer, (b)(6) that a dump truck needed to be repaired, but the buyer refused to place the order, because (b)(6) would not approve.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: No personal knowledge. My shop is in good working condition, but I've heard that there are problems elsewhere in DPW.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: The buyer for the WWTP, (b)(6) would not place orders for safety equipment. She said (b)(6) would not permit her to do so. Consequently, the WWTP workers came to me, and I bought them safety equipment to the extent that I could. This included things like safety boots, reflector vests and such.

At one point my friend (b)(6) was in a confined space manhole that was dangerous. (b)(6) told (b)(6) it was too dangerous to do the work as he directed in the confined space. But (b)(6) told her to get into the confined space anyway. I was there, because I went by to talk with (b)(6) on my lunch break. The workers had no safety gear and no safety harnesses.

Q15: Did you know (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: I've known him for about 10 years.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes. At the end of last year, I heard (b)(6) using abusive language and scream at one of my co-workers. I also have heard him demonstrating similar behavior when I visited the WWTP. His behavior is far worse than most DPW supervisors.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: See above. (b)(6) shows very poor judgment.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: No

Q20: If so, what actions actions?

A20: None to my knowledge. I know that there is an interim WWTP supervisor. But I don't know about anything else.

Q21: Do you have other information relating to these matters you want to provide?

A21: When (b)(6) was being treated unfairly, I tried hard to be her friend. For this I was retaliated against. Co-workers said to me very inappropriate things. I didn't want to get into a mess, because I need my job. As (b)(6) friend, I took in her sick slips to (b)(6). He was a supervisor in (b)(6) shop. He indicated that he could and would help (b)(6) if they had a closer relationship and that he had left his wife. He told me to tell (b)(6) that I was staying alone in a trailer at the lake, and she could come and we could hold each other. He also told me of an oral sex act with his wife. (b)(6) later filed an EEO complaint that I think was swept under the carpet. The only thing that happened is that Cindy got moved.

I got rifted into a 90-day temporary position. I think it was because I was supportive of Cindy. Also, they did not acknowledge my veterans status.

I then filed an EEO complaint. I accepted a negotiated settlement. Subsequently both Cindy and I received anonymous written threats to make us stop pursuing complaint systems. We also received anonymous phone

calls. These matters were investigated by the CID. However, we have received no feedback.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

June 13, 2007

Date

(b)(6)

Recorder:

IO:

Phon J Hodgini

EXHIBIT 39

VOL I

Exhibit 39

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer Mr. Joe Stanuszek and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No.

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6); (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I worked at the maintenance and repair (O&M) shop as the division secretary.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: 1 year and two months. My immediate supervisor was (b)(6) (b)(6) He was division chief.

I've been a federal employee since 2001.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: No knowledge.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Not applicable.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: No knowledge.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No knowledge.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No knowledge.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. For the operators to get equipment, they had to complete an Exhibit 6 for me to give to my boss, Daryl so that the equipment order could

be reviewed and so (b)(6) could send the orders forward with a recommendation to the Director of Public Works for approval. I was told to tell the operators when they asked to order equipment or for training that there was no money. (b)(6) often just kept the operators' exhibit six orders in a folder in his office, and he did not send them forward. I was told simply to say that there is no money. This applied even to things as simple and necessary as safety glasses. I think (b)(6) is a procrastinator, and just didn't get this work done.

I also noticed that there was some preferential treatment by (b)(6) with respect to employees that he liked. (b)(6) sent their orders forward for approval, and they were approved.

I do not perceive that (b)(6) was overwhelmed with work.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: (b)(6) once discussed with me that a (b)(6) had done something at the WWTP and that some other agency was at the post. I don't know what happened. But I know I was asked to provide management (b)(6) and (b)(6) personnel record and that there was some problem.

Q13: Are you aware of any repeated incidences of occupational safety or health risks were reported but not corrected?

A13: No. But I am aware of some other safety issues.

Q14: If so, please describe?

A14: Remodeling was being done at building 2044. I was required to work in a cloud of dust generated by the construction. Because of the dust, (b)(6) kept his door closed and exited out his back door. I complained that clothes were getting covered with dust and that I was having difficulty breathing. I asked for (b)(6) assistance, and he just ignored me. Ultimately, I had to be admitted to the hospital for respiration problems. When I was released from the hospital, I asked to be physically moved. Occupational health sent a letter and said I should be moved. I was moved to a work space at the other end of the building in the paint shop that also generated fumes. Asking for assistance and asking to be

moved caused (b)(6) to stop talking with me completely. This construction project occurred in Sept 06.

(b)(6) never gave safety briefings, required others to give safety briefings, had he placed little regard on health and safety issues except where it concerned him personally. For instance, he kept himself out of the construction area by situating himself in a closed office in the building.

Q15: Did you know (b)(6) when he was assigned as WWTP supervisor?

A15: Yes, very well.

Q16: If so, for how long? .

A16: More than a year.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes. He was in our office on a daily basis complaining about the WWTP employees. My take is that the employees were not problems, they had valid complaints.

When (b)(6) SF50 came through changing him from term to permanent employ, I was told not to give it to (b)(6). (b)(6) told me not to tell (b)(6) he was a permanent employee, and not to put the SF 50 in (b)(6) file. He told me (b)(6) would be a more humble, responsible employee if he continued thinking that he was a conditional, term employee. I was told to go along with the charade. (b)(6) was kept in the dark for about 7 months, when I finally told him he was a permanent employee.

Q18: To your knowledge, how did (b)(6) evaluate (b)(6) competence as a WWTP supervisor?

A18: (b)(6) knew (b)(6) was unqualified and incompetent. I questioned whether (b)(6) met the PD requirements and qualifications for the WWTP manager job. (b)(6) stated that he could waive the qualification requirements so (b)(6) could be hired. (b)(6) put (b)(6) in the position, because (b)(6) would do whatever Mr. (b)(6) asked him to do. (b)(6) told me this directly.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: No.

Q20: If so, what actions actions?

A20: N/A

Q21: Do you have other information relating to these matters you want to provide?

A21: (b)(6) was not very good at keeping up with his work. For instance, he did not properly do appraisals, Instead, he had me copy the last appraisal word for word; told me to update the form to the best of my knowledge, he signed the form, and that is what people received as their appraisal. He also seemed to show favoritism towards his friends with performance awards.

When we were announcing and filling the WWTP manager position, I was told to tell other WWTP employees inquiring about the position that the position would not be filled because of a hiring freeze. However, all along, (b)(6) intended to hire (b)(6). (b)(6) told me to post / announce the job, and (b)(6) told me to call (b)(6) and tell him to quickly apply for the job. This occurred at the same time (b)(6) told me to tell other employees that the job would not be filled (b)(6) told me to arrange for the job announcement and application period to open and close quickly. I think it was open for only about three days. (b)(6) (b)(6) also told me to assist (b)(6) with his resume so it would meet PD requirements, because I had experience in writing resumes. I was regularly tasked to write resumes as part of my duties for certain people (b)(6) (b)(6) wanted to be retained when the MEO was to stand up and when there was a RIF.

In many instances, management ((b)(6) and (b)(6)) would not permit employees to attend necessary qualification (continuing qualification training) training.

I transferred from public works in Oct 2006. I requested to transfer from PW because of terrible management and leadership there. When I was hired, I told PW that I would do anything so long as it was legal and ethical. When I objected to certain directions and practices, I would object. As a

result, I was harassed and treated poorly. I ultimately asked for a transfer and filed an EEO complaint.

After I transferred from DPW, I was told by several DPW employees that they must be careful in talking with me, because they were told not to talk with me or they would get in trouble.

Because people think I caused trouble at PW, I can't get a fair shake, and people treat me different.

When I was coming for this interview, a team leader in my new office commented to me that if my "problems" were going to continue to interfere with my work, she would have to "put the job back out there."

I do not feel I have any place to go for assistance and a fair shake in these matters. That is why I didn't want to participate in this interview. I just want to give up and just do my work. I am afraid that me doing what I know is right about correcting these things, will hurt my active duty husband's Army career and my career.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

Date

6/13/07

Recorder:

(b)(6)

IO:

John J. Ardquin

EXHIBIT 40

VOL I

Exhibit 40

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No.

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: Public Works Environmental, Attn: IMWE, PWE (b)(6) Chavez),
(b)(6) (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I work in the PW environmental division. I am the water program manager. I oversee compliance for drinking water, waste water and storm water.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: Since November 2005. Prior to that, I was at Eglin AFB, and with COE in GE. I am a degreed Environmental Physical Scientist, and have worked as such in all these jobs.

Q6: Are you familiar with the National Pollutant Discharge Elimination System (NPDES) Permit, its monitoring requirements, and discharge limitations?

A6: Yes.

Q7: What is your role in the preparation of Discharge Monitoring Reports (DMRs)

A7: I do the overview to ensure we are meeting compliance after the operators prepare the reports from the daily logs. I review for environmental compliance. The lab data comes to me, and I pass it to the WWTP manager.

Q8: What is your role in the collection of compliance samples?

A8: I normally send a staff member to the WWTP to recover the sample, and complete a chain of custody. We then send the sample via UPS or Fed Ex to a contracted lab. This sampling is for semi-annual requirements listed in the permit. The permit sets out the sampling requirements we must take and send to the independent lab. These are semi-annual: metals, total nitrogen. Other requirements include: Whole effluent toxicity testing – sample once in the summer and once in the winter prior to renewal of permit application; each June 15th we submit an I&I report (inflow and infiltration report). We do other miscellaneous things in response to one-time events.

However, samples such as for pH, BOD, and TSS are accomplished by WWTP operators locally each day.

DMRs are the document of record. They are prepared after the 5th of each month for the prior month and mailed to the EPA by the 10th.

Q9: Are you aware of any effluent discharge violations involving concentration or mass limits?

A9: Yes. We had a pH violation in May 2006 and in April 2007. With respect to the May 2006 event, we had six days when the pH dropped. The operators did not report this to their supervisor, so we did not catch until the end of the month during the DMR process. We notified the EPA by letter about the situation. We advised EPA that we were initiating our environmental management system process to identify the problem and to implement corrective actions. This event did not result in an enforcement action. The one in April related to some construction projects and some over spraying of paint that may have caused an inversion over the WWTP. Again we notified EPA and initiated our Environmental Management System Processes. EPA did not issue an enforcement action.

We have a 24 hour reporting period to EPA when we notice a violation of the permit.

pH permit limit is that pH has to be above 6.0. In these two cases, the samples were approximately 5.8 and 5.9. Usually, this type of violation is considered a "minor" violation of the CWA.

To my knowledge, these are the only events that could be considered permit violations or violations of any other legal standards.

Q10: Are you familiar with the oil sheen, floating solids, and foam limits established by the permit for the effluent?

A10: Yes, I am aware of that terminology in the permit.

Q11: Have any DMRs reported an oil sheen at the outfall or floating solids or foam in other than trace amounts in the effluent?

A11: Not that I am aware of or remember.

Q12: Are you aware of a concentration limit established for petroleum hydrocarbons? (IO note: OSC Ex G 134)

A12: There is no numeric limit in our permit for TPH (total petroleum hydrocarbons). On page three of the permit numeric limits are set. With respect to TPH, we were required to take two samples during the wet season, October through March, but only the first year of our permit. We did so, and while I don't specifically recall the results, the results were deemed acceptable. This is the only compliance sampling specifically required by the permit, and there is no numeric limit. The permit standard is that there can be no visible sheen or floating solids on the receiving water. However, we are required to do investigational sampling when we suspect upset or bypass conditions, and we do so. These samplings have never resulted in reported sheen or floating solids on the receiving water, and hence no violation.

Q13: Are you aware of a claim that the WWTP has been discharging up to 55 gallons of oil a week?

A13: I have heard informally of this, but I have no idea of where this claim or the number comes from. My professional opinion and informal calculations indicate that the actual number would be substantially less than 55 gallons of oil a week.

Q14: Does the permit establish a minimum 80% removal requirement for Total Suspended Solids (TSS) and Biochemical Oxygen Demand (BOD)?

A14: Yes. It's a monthly average standard. This has not been violated since I have been here . . . nearly two years.

Q15: Has any monitoring of the outfall been conducted beyond the permit requirement to further assess the effluent quality?

A15: Yes. We have been monitoring both influent and effluent for TPH (oil) at the beginning of each month. Understand, that we are regulated at the "end of the pipe". So we monitor water leaving the WWTP as effluent sampling. There is no CWA or permit requirement to monitor or sample at the Puget Sound outfall diffusers. Once per permit period, however, we are required to have divers physically inspect the diffusers. In my professional opinion, the results of effluent sampling do not raise a concern that a sheen would be created at the Puget Sound outfall. Worst case scenario was 2 parts per million in the past year or so, but the average is much lower. I've been doing these investigative samples for a year.

Q16: Are you aware of any monthly monitoring requirements?

A16: We are required to do DMR analysis and reporting each month. Although we compute monthly averages, these do not result from monthly pulls. As I stated before, I am now doing monthly investigative TPH samplings, but I initiated this myself in response to operator concerns. This is not required by the permit or other legal requirements. The operators sometimes think we should do additional samplings and that we should report certain things on DMRs that are not required by the permit or law. We must be very detailed with the operators, because their understandings are sometimes not consistent with one another or the permit.

Q17: To your knowledge, has USACHPPM performed any studies of the waste water treatment plant?

A17: Yes. In Sept 06 a contract was awarded for a WWTP functional evaluation study. They have made several site visits and the project continues. They are looking at each WWTP sub-process to ensure the processes are effective, and they will make appropriate recommendations. The second phase of the project is for them to review, update, and revise WWTP Standard Operating Procedures. The last area of work is that they were to help us develop a pre-treatment program. However, we have stopped this part of the project. We have contracted with a different company for the pretreatment work.

We are working on pretreatment with the WA Department of Ecology, because RCRA hazardous waste rules apply before waste enters the waste water stream. We voluntarily agreed to jointly work on pretreatment with WA, to allay their concerns raised by employee operators complaining to them.

Q18: What is your understanding of the WWTP operator certification requirements?

A18: We are a federally owned plant. My understanding is that the State requirements do not always apply to federally owned plants. However, I understand that some of the WA State certification requirements may have been incorporated into the operators' employment position descriptions.

Q19: Do you have other information relating to these matters you want to provide?

A19: I recommend that you look at the operator logs. The operators are required to make log entries of irregularities and to advise their supervisor. With respect to the allegations, this does not appear to occur, and there seems to be inadequate documentation to support the allegations.

My opinion is that the operators are not as familiar with permit requirements as they should be, even after I have given them explanations. They misunderstand, confuse, and cross information and requirements. When requirements occur that might require adjustments, the operators are reluctant to adjust, regularly stating, "this is the way we have always done things." The WWTP operators seem to have a strong resistance to change.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

13 Jun 07

Date

(b)(6)

Recorder:

IO: John Hodgins

EXHIBIT 41

VOL I
Exhibit 41

(b)(6)

Interview Record

AR 15-6

Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I was detailed in 2002 to the Water and Sewer as an exterior plumber when the land fill closed where I worked as a vehicle operator. In my work with Water and Sewer, I worked with the WWTP. I retired voluntarily in January 2007. However, I would not have retired had it not been for the abusive way Mr. Long treated me and other employees.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: I retired after 39+ years federal civilian service at Fort Lewis.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: I have no personal knowledge. But I have heard from others that there has been some dumping of petroleum products around base. On or about April 06, I personally observed environmental division staff dumping petroleum products from a division truck into manhole covers. I know nothing about oil going into the Sound.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Not applicable. No knowledge.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: No.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: Equipment necessary for my Water and Sewer functions was often not available after (b)(6) became the supervisor of Water and Sewer, also WWTP in late 2005. In particular, (b)(6) was not responsive in ordering us safety equipment, such as safety boots. Management also refused to get us proper oil for our chain saws. There are numerous examples. Under (b)(6) (b)(6) we could not get proper rain gear, safety harness and other equipment.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: At one point in about summer 2006, a defective high pressure line on a sewer truck burst when (b)(6) and I were running a sewer line. This was very dangerous and we were very lucky we were not injured. We had asked several times prior to the accident for a repair of the line. After the line burst, the truck remained out of commission for about two months.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: See A12 above. We repeatedly asked for repair of the high pressure hose, but (b)(6) was not responsive. From late 05 through 06 we had continuous trouble with a lift station in a housing area. In about summer 06, we were removing pumps at the lift station. We asked (b)(6) to call electricians to disconnect the lift station, which is normal safety procedure. He refused to do so, and said we didn't need electricians. After he left, we properly pulled up the pumps. The electricians told us (b)(6) informed them that electricians were not required for such a lift station job. He was wrong.

Another time, in about May 06, we were working on a lift station. We encountered a surprising amount of oil and were having difficulty with our work. We called the environment division. They brought some towels to sop up oil from equipment we were handling. (b)(6) told us we were forbidden from telling anyone about the oil we encountered at the lift station.

Many times (b)(6) directed us to work in confined spaces at storm water outfalls without necessary confined space training and equipment. We protested several times to (b)(6) but he ignored us.

Q14: If so, please describe?

A14: See A13.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: From Fall 05 until about Sep 06 when the MEO became effective. About a year. After the MEO, I went to indoor plumbing until I retired.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: No competence at all. We had respect for one another, but (b) (b)(6) does not know the meaning of respect. He did not communicate any information to employees that we needed and often had a right to know. For example, he redistributed work activities from one shop to another, without notice or training. His lack of technical competence frequently put employees at substantial risk. He acted like he knew what he was talking about and telling us to do, but he did not. As a result, he used very poor judgment from lack of technical competence that created safety hazards. All he cared about was getting particular things done, but he did not care about protecting workers from known hazards. He knew nothing about our systems, but acted like he did.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: Retired before changes were made.

Q20: If so, what actions actions?

A20: No knowledge.

Q21: Do you have other information relating to these matters you want to provide?

A21: I have a bunch of performance appraisals on my self from others supervisors I had before Mr. Long. But I don't think Mr. Long liked me, so he gave me the worst appraisal I ever had. Mr. Long never counseled me about my performance prior to the appraisal. Mr. Long's appraisal was not based on my performance.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

6-12-07
Date

Recorder:

(b)(6)

IO:

John J. Hodgini

EXHIBIT 42

VOL I

Exhibit 42

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I was employed there as waste water plant operator in 1978 and worked there until I retired in January 07.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: 29 years at the WWTP.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: Yes.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Oils. The permit is very general, and the Army can dump just about anything they want, and WA DOE can do nothing about it. I received this information from WA DOE, Pinky Feria.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: I know that (b) the lab technician and other operators have logged stuff coming into the plant and stuff going out. As far as testing, it has been hard for (b) to test, because the Environmental Division pretty much took over that part of the business.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: Yes. But most of it you can't see. The outfall is deep down in the sound, and the release is emulsified. It will not become a sheen on the surface, as it is carried away by the currents. The permit is so general it does not require adequate testing for oil or set meaningful oil limits.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: Yes. I relieved (b)(6). Swing shift gets things dumped on them a lot. (b)(6) tells me there are things in the detention tanks that are released to the Sound, and I've seen it myself. Most of this will settle out in the bottom of the Sound and not come to the surface. But this has an effect on aquatic life.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: When (b)(6) took over in about August 2005, all of our tools were in the tool van, and the tools disappeared. We never have discovered what happened to the tools. (b)(6) had the tool van for two years prior to becoming supervisor. At that time, he ordered lots of tools. (b)(6) and the supervisor, (b)(6) were best friends. (b)(6) ordered the tools, kept them locked in the van, and refused anyone access. Then when he became supervisor, the tools disappeared.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: Since (b)(6) took over, he completely ignored required WWTP maintenance. Operators brought requirements to his attention, and he ignored us completely. Because of his friendship with (b)(6) before becoming supervisor, (b)(6) did whatever he wanted to do. He continued that mode after he became the supervisor. Part of that was ignoring the operators.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: On or about summer 2003, (b)(6) was using a power auger incorrectly. I was standing by, and he caused the cable to snap. The cable could have decapitated someone. Long was wearing leather gloves, but the cable cut off part of his thumb. This is representative of his respect for

safety issues. I cannot remember (b)(6) ever having a safety meeting or training with employees.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: He was my supervisor from Aug 2005 to Jan 2007.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: He was incompetent and was a very poor leader. He was fired as supervisor at the water treatment plant in early to mid 1990s. He floated to the maintenance shop and housing. At housing he didn't get along with people at all. I think he has a screw loose. He thinks he knows everything, but has a gross lack of technical knowledge. As a result, he puts employees at unnecessary risk. I tried to teach him how the boilers cycle and how to heat the digesters, but he could never get it. He was not trainable; did not understand basic concepts. He ended up at the WWTP as a last resort, because there was no place for him. His best friend, (b)(6) took care of (b)(6). He did not put in the time at the WWTP that he put down on his certification application. When we challenged this informally at the WA Dept. of Ecology, I was told that (b)(6) could not have had access to take his certification test without falsifying his time in the WWTP. In his Army employment application (b)(6) stated that he had an Associates Degree in Waste Water Treatment Management from Green River Community College. His education records show that he did not complete the degree.

The worst manager/supervisor I have ever seen in my entire life, bar none.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: No.

Q20: If so, what actions?

A20: N/A

Q21: Do you have other information relating to these matters you want to provide?

A21: When (b)(6) went to his new job, he had been looking for a new job for quite awhile. A year before he left, he asked me if I wanted to be the WWTP supervisor. I said I could not at that time for personal reasons. Had I known he was going to pick (b)(6) I would have taken it regardless. The job announcement was posted on 25 December 2005 and taken down on 27 December by (b)(6). (b)(6) told (b)(6) his secretary, that he didn't want WWTP people, particularly (b)(6) to know of the job announcement. I found out about the job announcement on 28 December, and turned in my application that day . . . one day too late.

I'm the one who called Federal EPA about hazardous waste from taking down digester number one on or about mid 2006. The contractor employee, (b)(6) detected very high levels of hydrocarbons. Government employees and the contractor told me the Fort Lewis plan was to compost the waste. I did not want to see the public exposed to the risk of hazardous waste compost. So I called. I felt at risk of getting fired and losing my retirement benefits in retaliation. And (b)(6) retaliated against me for challenging his credentials. So I retired because of retaliation.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

6-12-07
Date

Recorder: (b)(6)

IO: *Mon J Hodgini*

EXHIBIT 43

VOL I

Exhibit 43

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I used to work in the water and sewer plant and we worked with the WWTP. I started working at the Training Support Center in DPTMS in April of this year.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: I worked at water and sewer from Dec 19 2005 until this April. Prior to that I worked as a plumber in (b)(6) I worked there since 1997. I've worked at Fort Lewis since 1988.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: I have no knowledge of this.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Not applicable.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: Yes. I've seen some paper work. I was working on a digester. And discussed with some employees some DMRs showing oil levels that were causing operators some concerns. There was an initiative for all of us to become trained and familiar with other jobs, so I was included in the discussion of the DMRs. (b)(6) discontinued the initiative.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: No.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. A high pressure hose on the sewer truck was much worn. It was dangerous, because it might burst and injure somebody. On or about December 2005 we began telling (b)(6) almost daily that he must correct this safety risk. He refused to do so and ordered us to continue working the sewer truck with the bad line. Finally on or about July 2006 the line ruptured and almost hit (b)(6), a co-worker, and me in the face. We reported to (b)(6) that we would not work with the truck. We deadlined the truck. A hose was not ordered for three weeks. It did not get repaired for a couple of months.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: See A11.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: (b)(6) wanted employees from water and sewer to go to the WWTP plant to repair a gas pipe arm. They did not have a required lift for the 350 pound arm or spark free safety tools to work in a gaseous environment, so the job was unsafe. I refused to participate because the job was not safe. (b)(6) yelled at me and told me when he gives me an order, he expects me to comply without exception. Water and sewer employees also questioned as to why they were being tasked for the job, for which they had limited knowledge and no proper equipment, when the WWTP had operators/repairs. (b)(6) said the WWTP employees were not qualified for the work.

About 2006 we were cleaning out oil water separators at Flora outfall. (b)(6), (b)(6), and I. These outfalls are concrete with an opening that is used for cleanout. (b)(6) had an emergency and left, and (b)(6) came along. I was underneath in the discharge chamber doing pressure

washing. When I returned to exit, my ladder had been removed. (b)(6) who was working in another discharge chamber with his own ladder, told me he didn't know who removed my ladder. But the only people at the site were (b)(6), (b)(6), and me. I had to climb out about 20 feet up, unassisted with great difficulty, back against one wall, with feet climbing on the other. I am confident (b)(6) removed my ladder.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: Since December 2005. 1.5 years.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes. When I first started working for (b)(6) in Dec 2005, he called my house on an emergency call out. My daughter answered the phone, and (b)(6) shouted into the phone at my daughter, thinking she was me, "You better get your ass out here now!" My daughter gave me the phone, and (b)(6) said the same thing to me. Similar things happened with (b)(6) and my daughters several times. Please also see answers above.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: He's not competent to be a supervisor. He has absolutely no people or management skills. He continually flip flops his positions and decisions and likes to be a trouble maker.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: Because I was the only female in the water and sewer plant, and because I insist on following safety rules, I have received substantial harassment and even written threats. I filed an EEO complaint, and the result was me being transferred to a saved pay, down graded position. This resulted from a negotiated settlement agreement to "keep me safe." A criminal investigation was initiated and may still be pending. Prior co-workers were told by (b)(6) and (b)(6) that they should not talk with me or they would be disciplined.

Q20: If so, what actions actions?

A20: Not applicable.

Q21: Do you have other information relating to these matters you want to provide?

A21: Another safety issue and technical incompetence: On or about July 2006 (b)(6), (b)(6) a crane operator and I were working at a lift station. We asked (b)(6) when the electrician would come to disconnect the system as required for safety. (b)(6) said we did not need an electrician. We insisted. After (b)(6) told the electricians to not come, we called them independently. Knowing they should come, the electricians came and disconnected the lift stations.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

12 June 07

Date

(b)(6)

Recorder:

IO: Mark Hodgins

EXHIBIT 44

VOL I

Exhibit 44

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am an operator/repairer at the WWTP.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: Since July 1999 – 8 years.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: Yes.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Some oils.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: No. I have not looked for them or seen them. The documentation would be from the lab effluent surveys.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: Yes. As far as the diffusers in Puget Sound, I have not seen. I have seen sheen going over the WWTP weir out of the detention tank.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: Trace is a difficult word. There are some solids that do go over, but not on a consistent basis. I can't say how much or quantify. But some solids go out. Perhaps a bit more than trace. I would normally expect nothing solid to go out.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: Now they are. But not for the last couple of years. We are now permitted to order and receive what we operators say we need. Prior to the new supervisor, we could not get what we needed.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: We could have gotten rid of some of the trace oils if we could have gotten polymers when we needed it. We could not get it. We kept the plant running, but we would have had difficulties if a pump went down while we were waiting for parts to fix a broken pump.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: Changing the gas piping out on a digester. I came into work one day last fall and that was a big story. A piece that was taken off is still on the roof. We were not permitted to call a crane to take it down. I was just told this week we could order a crane. I also observed (b)(6) inside the safety rail to pressure wash digesters. He did so after he was told not to do so by (b)(6). (b)(6) told me to lock the gates so he could finish his work. I refused. He was also later observed doing the same unsafe thing

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: Since summer 2005.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: Not good. No people skills. This is my way, period. He'd make a statement and walk away. No discussion. Dictatorial. Things that can be done over the phone, he says "get over here now," and we need to go to his office. He took down our union board, and erased information we kept on our white board. He made a big ruckus about parking spaces. We had a grit chamber drive auger that broke and for two years he wouldn't let anyone repair it or allow us to order parts. We finally fixed it last month, under the interim supervisor. Back up equipment was never repaired if the on-line primary was operating.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: Yes.

Q20: If so, what actions actions?

A20: Since (b)(6) arrived as interim supervisor things have really been improving. When we need a part, he says "get it." We don't have to fight to get what we need to do our jobs. We are getting our gas systems set up right, finally, and we are getting filters for them. We are also pouring a bed to clean up a digester.

Q21: Do you have other information relating to these matters you want to provide?

A21: (b)(6) flat told the WWTP operators they were not to talk to (b)(6) who worked for water and sewer. I don't know why, but I think this was totally wrong.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

6-12-07

Date

Recorder:

(b)(6)

IO:

Thomas Hodgini

EXHIBIT 45

VOL I

Exhibit 45

(b)(6)

Interview Record

AR 15-6

Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am a civilian employee in public works. I've always been under sanitation engineers.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: Working on 27 years. However, I was transferred from the WWTP to another facility on 28 November 2006.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: Yes

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Petroleum products: diesel, JP4 and other products.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: No.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: In the operator log books we recorded that information concerning presence of oil in the detention tanks. A person cannot visually see the outfall without going out into the Puget Sound and diving down to the underwater distributors.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: Yes. The solids accumulate in the detention tanks, and they contain petroleum. Then the suspended solids flow over the detention tank weir and carry petroleum with them.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: I keep good care of my own tools and have what I need. But we were often told we were having money shortages the past 5 or 6 years, and that management could only pay for salaries and clear life, health and safety matters. We sometimes cannibalized old equipment to keep on-line equipment running. We were told under (b)(6) that we could not keep spare parts on inventory. Instead, when a pump went down, it stayed down until we received parts. This meant that we did not have a standby pump as required.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: No. We managed to keep things running with our own hands. However, there was a time, on or about March 2006, when we needed polymers to cause the oil to demulsify. We were told we did not have the money, and we did not order the polymers. Additionally, the gas compressor manufacturer required a non-emulsifying oil. When I requested this, my request was denied. Instead they gave me 10-30 motor oil, which emulsifies and passes straight through to the digester.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: They have not fixed the cracks in the lid of the number two digester. This causes methane gas to vent into the air and exposes the operators to risk.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: About a year. Prior to that, he worked for me as an operator.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: I signed a letter of no-confidence with other employees that was sent to (b)(6) immediate boss when he was on a temporary assignment as supervisor. He disregards safety. For instance, about August 2005, (b)(6) (b)(6) was using a high powered snake down a sewer line with out a critical safety guard.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: Yes.

Q20: If so, what actions actions?

A20: I just talked with another guy, (b)(6), and he says things are getting better as far as parts and other management things.

Q21: Do you have other information relating to these matters you want to provide?

A21: Here's how to fix the effluent problem: Disconnect oil-water separators at the motor pools. Place hydro carbon alarms at the inflow to the plant. Shut down system when the alarms activate.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

6-12-07
Date

(b)(6)

Recorder: [Signature]

IO: [Signature]

EXHIBIT 46

VOL I

Exhibit 46

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I've been working at WWTP since Sep 95. I Started as an apprentice and progressed through Group IV. Presently I am a utilities systems repairer and operator.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: September 1985.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: Yes, I do.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Oils is the main one.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: Yes. I've seen the oil going over our weir. I've been looking for it.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: Yes. I see it approximately twice per shift going over the weir. It goes over the weir, gets chlorinated, and than goes out to the outfall. I've seen it at the detention tank just before the outfall. I've never actually seen it at the outfall.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: Yes. I've seen foam backed up at the clarifier prior to leaving. The foam gets backed up, and we skim it off. I have not seen more than trace amounts go out the outfall after skimming. Regarding solids, trace is a matter of point of view. I have seen some solids leaving the plant, but can't

say that it is more or less than a trace amount. It probably would be considered a trace in the course of a shift or day.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. With (b)(6) being the new manager, it has gotten 100% better. Prior to (b)(6) we didn't keep parts. We ordered when there was a break down, and waited. We've been down to only one pump, and if there had been a problem with that pump, we'd have been "screwed".

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: No, not outside of the effects of the oil that I already mentioned. We manage to get by without adversely affecting the suspended solids or BOD. But we have to "jerry rig" solutions.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: Have had occupational health visit and test the headworks. We've never heard the results. Contaminants could create disease risks, but employees were not informed of the results. However, shortly after the tests, use of the tested sprayer was discontinued. This happened about 1997. Also, we asked for vaccinations for water born diseases, but our request was denied. Such vaccinations are recommended by operator training manuals. We are using non-potable water for all of our sprays and wash downs. The water is final effluent water. Operators are exposed to "blow back" in their faces. For instances, the water is used to spray the grease hoppers that deflects back. The remedy is to not use non-potable water. We have a hot water hose, but it has never worked since the hot water tank was installed in about 2002 . . . it worked for only six months.. The new manager is now working to get the hot water tank fixed. Concerning safety, the number three digester has a floating lid with a broken gas arm. (b)(6) came with

two workers without informing me, the operator. They were unqualified. The gas arm fell over on the lid. This could have caused a spark and ignited methane gas that was present from a gas leak. Boiler contractors were also using sparking tools like grinders in a gaseous area.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: On paper, he is still currently our boss. Sept 1 2005 he was assigned as a 120-day temporary supervisor and then continued in that position.

Q16: If so, for how long?

A16: 2.5 years.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes.

Q18: How would you evaluate (b)(6) competence as a WWTP supervisor?

A18: He is not competent at all. He has no people skills. It's his way or the highway. He's a dictator and a jerk. He's very inconsistent. He'll make a statement or commitment and that flip flop. He contradicts himself, and he is not honest. He says something and then says he did not discuss the matter at all. He recently blamed the Garrison Commander in conversations with employees for removing a TV from the Water plant, when he actually removed the TV himself to a different location. In my opinion he is not technically competent to operate or manage a WWTP. Examples do not come readily to mind right now. However, on or about summer 2006 he wanted to introduce polymers at the wrong point of the process. However, this did not occur, because we had no polymers, because of money shortages.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: Yes.

Q20: If so, what actions actions?

A20: A year or so ago, management started a pre-treatment study. But it has not been implemented.

Q21: Do you have other information relating to these matters you want to provide?

A21: Management has done nothing to manage oil contaminate concerns, even though many employees brought the matter to management attention in May of 2006. Employees informed (b)(6) the environmental division, and the Garrison Commander. EPA and WA Dept of Ecology are aware, and nothing is done.

The most helpful action would be to manage the inflow of oil into the plant, and clean contaminated sludge out of the plant and start anew.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

June 12, 2007

Date

Recorder:

(b)(6)

IO:

John J. Hodgson

EXHIBIT 47

VOL I

Exhibit 47

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: I am a biological science lab technician and hold an operator class III certificate

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: 10 Years. 8 years as a lab tech. 2 as an operator.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: Yes.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Oil. Also people dump things we can't survey. Get dumps from other places we service. Service McCord AFB, VA hospital, Madigan Hospital and Fort Lewis.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: I do analysis every day and know the flow. The highest flow is between 10:00 a.m. to about 7:00 p.m. Low flow is 10:00 p.m. to 10:00 a.m. I get a graphic history of what equipment is doing. I come in at 0600 and do the analysis of constituents. My job is to test for Bio Oxygen Demand. Purpose: analyze how WWTP is functioning. PH analysis is most important. Test effluent, primary, and influent samples. Irregularities indicate equipment or WWTP problems. Although I test for BOD, I frequently notice fluctuations in BOD that indicate other irregularities, such as oil, requiring excessive chlorination. I go to probable cause of irregularities and take additional samples. I log irregularities in operator log book. If PH results are out of compliance, I inform supervisor. I log all actions in operator log book and lab log.

My professional opinion is that contaminants are going to Puget Sound. Primary concern is oil products. See oil sheen and evidence in WWTP components, and it exits with the effluent. Sheen is visible at the detention tank, immediately prior to exit of effluent.

Effluent test results from contractor Anatek are usually 50 ppm. I consider this out of tolerance. I have repeatedly asked for the limits of petroleum that Fort Lewis is allowed to discharge into Puget Sound according to our permit. I've asked Ft Lewis environmental division repeatedly, but I cannot get a response. I do not know the permit levels, and have not been able to get answers to this.

I convinced environmental division they should run effluent samples on a composite basis, but they are only doing this once a month. I recommend that this sampling should be done throughout the month to get a representative sample. It should be done at least twice a week.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: No. The outfall is 360 feet into Puget Sound. To my knowledge the outfall is tested only once during the period of the permit – during the application process.

Q10: Have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: I have seen oil leave the plant – in the detention tank -- and I've documented this on my test. I have not personally observed or documented foam or floating solids leaving the plant. But my BOD tests indicate irregularities. When BOD deplete, this means something is in the retention tank eating up the BOD. Operators have noted on the logs oil sheen they observed within the WWTP. I think what we see in the plant, makes its way to the outfall. We have no documentation of anyone checking the outfall.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. I am the supply card holder and the service card holder. Since the MEO, I am the only person. I order the tools and equipment. (b)(6) would not permit me to order tools and equipment without his signature. Operators come to me regularly to order tools and equipment. (b)(6) will not approve the orders or provide necessary information for the orders. He

regularly reported that there was not sufficient money. The same regularly occurred with lab supplies and equipment.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: The Peerless pump was sent out for repair, and it took almost a year for the pump to be put back into operations. This is necessary for the trickling filters. Switched to a smaller pump that was not adequate to the trickling filters, so had to shut down one of the filters. This resulted in more visible oil in the WWTP:

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: On or about December 2006, (b)(6) brought two people from outside the plant for a repair of a gas arm. The wrongly used a sparking tool (regular hack saw), in an area full of methane gas. Employees reported this to Safety, but to my knowledge, nothing was done. (b)(6) has a very casual approach to safety. At one point (b)(6) almost cut off his thumb improperly using a pipe reamer – on or about 2005 another time, he walked across detention tanks without a safety harness – on or about 2005.

Q15: Did you work for (b)(6) when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: Two years.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes

Q18: How would you evaluate Mr. Long's competence as a WWTP supervisor?

A18: Very poor. He is under-qualified. Does not come near the qualifications for a WWTP. WA regulations require certification III level. Also must be a III or IV for a federally owned facility.

Sets bad priorities. Buys TVs, training manuals, and furniture when there are higher priority equipment issues.

Spends on average of less than 3 hours per week at the WWTP. Spends the rest of his time at the water plant, where he is also the supervisor.

Prior supervisor spend almost all his time at the WWTP, even though he also supervised the water plant.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: Yes.

Q20: If so, what actions?

A20: They put another nonqualified person, (b)(6) Barto, into the supervisor plant. Although not qualified and knowledgeable, he is more responsive to needs of operators, employees and the WWTP. Environmental Div has gotten more directly involved in supervision and operations. Also have focused more on pre-treatment, and have a consultant. On or about December 2006 hired a contractor to do a WWTP performance evaluation. I have not seen reports or analysis results. I think Environmental Div has the report. Contractor, Chippum, has been hired to write SOPs.

Q21: Do you have other information relating to these matters you want to provide?

A21: To make the WWTP work right, need a well qualified WWTP manager, more than anything else.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

Date

6/12/07

(b)(6)

Recorder:

IO:

Thom J. Hodgini

EXHIBIT 48

VOL I

Exhibit 48

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)

Q4: What is your relationship with Fort Lewis that gives you knowledge about the WWTP?

A4: Been here for almost 30 years. Utility work for that period of time. Familiar with EPA and state rules and requirements. This is my vocation. My job here is Operator repairman. Work at the WWTP on the grave yard shift. 9 days on, 5 days off, with one day 8 hours.

Q5: How long have you been employed or were you employed by Fort Lewis in this capacity?

A5: Almost 30 years.

Q6: Do you think contaminants are being discharged in violation of Fort Lewis' NPDES permit?

A6: I do, personally, yes.

Q7: If so, what contaminants are being discharged in violation of the permit?

A7: Petroleum products.

Q8: Have you seen or are you aware of any documentation showing discharge of the contaminants into Puget Sound?

A8: Yes. Permit has loose guidance that every 6 months certain elements be tested for. Detected in the affluent at about 2 parts per million. The permit does not clearly state ppm. Asked management, but not spelled out in the permit. Management has not provided. Preparing to write to agencies about the limits, because has not been able to get. The permit does not specify.

Testing documentation can be found on EPA's Website. DMRs posted to the public.

Per the permit, if operator thinks there are contaminants in the discharge, duty to inform management for testing. I have requested testing, but management does not respond. Cannot wait 6 months.

Requested a six week baseline testing study for all shifts to establish a baseline of constituents going out. No leadership response. Was told "no" by his supervisor—new appointed supervisor (b)(6) — said not at this time. (b)(6) said she would get back with him. Has not. It has been 6 weeks.

Q9: Have you observed or do you have any knowledge of reports of visible contaminants or oil sheen at the outfall in Puget Sound?

A9: Not at the outfall. Within the plant, yes.

Q10: have you observed and documented or seen records of floating solids or visible foam in other than trace amounts leaving the WWTP?

A10: Yes. Oily sheen prior to the discharge. Observed almost daily. Documents: Operator charts in the operators log. Difficult to get a visible sheen of something that has been emulsified. It's emulsified oil. Would not see in the outfall or bay. Would see as free oil. Observed visible foam and solids in the detection tank. Tank that is chlorinated into the captive pipe to the Sound. Also observed at other positions at the plant.

Q11: Do you think that all tools, parts, and materials necessary to the reliable and continuous operation of the WWTP are readily available?

A11: No. Not at present. No spare parts. Only emergency repairs were made, and parts were made as needed. No stocks. (b)(6) got rid of all spare parts inventory. Established policy that would only order spare parts as needed. Needed only in emergency seems to be the policy. Recently tasked by new supervisor to inventory and list parts that should be kept on hand. Goal is to complete by 13th. New manager is instituting an improvement in this area. Example: Headworks system screen broke a coupling and unit has been out of service for more than a year. Just got needed parts last week, because new manager ordered when he came on board. Reason did not have adequate parts was an (b)(6) management decision, supported by his bosses. Have other examples as well.

Q12: Do you know of treatment processes and equipment that are or were not functioning properly due to inadequate maintenance or lack of necessary chemicals?

A12: See above.

Q13: Are you aware of any repeated incidences of occupational safety or health risks at the plant that have been reported but not corrected?

A13: Yes.

Q14: If so, please describe?

A14: Breaks in gas system. Faulty repairs and attempts to correct problems with wrong parts. Near miss on explosive potential (digester gas). Reason explosion potential: rusty leaking pipe. Untrained personnel with sparking tool cut through the pipe. Caused 350lb elbow arm to fall. (b) (b)(6) was on site and was directing the work, to the exclusion of the on-site qualified operators. Called Fort Lewis Safety . . . responded to the site, but nothing was done.

Q15: Did you work for Mr. Long when he was assigned as WWTP supervisor?

A15: Yes.

Q16: If so, for how long?

A16: About a year, year and ½. Actually still working for him, because no paperwork . . . now have an interim supervisor.

Q17: Were you able to observe his leadership style, decision making, and results of his decisions?

A17: Yes.

Q18: How would you evaluate Mr. Long's competence as a WWTP supervisor?

A18: Incompetent. Based on 30 years of experience. Including owning my own business doing similar work. (b)(6) does not understand what is necessary to properly manage. Mismanages by delegating no authority or responsibility. Only gives verbal orders. Will not issue SOPs or written policies. Cannot run such an operation without SOPs for operations, maintenance, and repairs. Operators continue to do what is necessary, even without proper published procedures. (b)(6) makes operational decisions about plant that I or other Class III operators would not make. Made decisions on sludge disposal, bed pour frequencies etc. His operational directions often not executed, because he changes course too often. He did not perform the required 18 months internship. He falsified his education

and training documents. State said they did not need to give him a certification, because it is a federal facility ... wrong, as they all need to stay trained and current.

Q19: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, safety, and management concerns?

A19: No ... not beyond recently appointing a new interim supervisor. Most of the operators informed leadership that they have no confidence in (b)(6) when he was appointed around Sep 05 and that he was not qualified. Sent a letter within 60 days of appointment. No management response. (b)(6) Bartow now appointed ... not qualified either, but asks proper questions and works more as a team.

Q20: If so, what actions actions?

A20:

Q21: Do you have other information relating to these matters you want to provide?

A21: When (b)(6) took over, made operators take scheduled breaks in morning and afternoon and a 30 minute lunch break and added 30 minutes to the work day. Told they could leave the plant. Not a good ideal. In past, ate lunch when operations permitted in on-site kitchen. Provided IO 31 March 91 MFR. Copied and accepted. Most Efficient Organization (MEO) concept is a misnomer ... not efficient. Now required to work two extra days a month. Used to work 10 hour days to get work hours per pay period. (b)(6) has also made false accusations about (b)(6) ... Said he was AWOL, but has never been AWOL in his life. He was having a cigarette break on the front porch. Accused of not staying the additional half hour that (b)(6) required. Rather than conferring with (b)(6) further, (b)(6) docked (b)(6) 1/2 hour pay for three or four days. Brought this up with (b)(6) but no response. WWTP had a power failure, while (b)(6) was on duty. Claimed that he and or his friend caused the power failure, and threatened to fire him.

JSQ1: How did missing spare parts on screening effect affluent?

A: Did not directly affect the affluent.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

6/12/07
Date

(b)(6)

Recorder:

IO: *John J. Hodgini*

EXHIBIT 49

VOL I
Exhibit 49

(b)(6)

Interview Record
AR 15-6
Fort Lewis Waste Water Treatment Plant

The questions below are asked by Mr. Tom Hodgini who is the Investigating Officer appointed to assist the Office of Special Counsel in collecting facts about the Fort Lewis Waste Water Treatment Plant (WWTP). Your answers may help determine whether (a) the WWTP is discharging unacceptable and unlawful quantities of contaminants, (b) whether management properly maintains and replaces WWTP equipment, (c) whether management takes adequate measures to protect employees health and safety, and (d) whether the WWTP supervisor is qualified and properly certified for his position and performs WWTP duties satisfactorily. After the questions below, you may provide additional information. At the conclusion, Mr. Hodgini will ask you to review information you provided. Mr. Hodgini's investigation is being conducted pursuant to Army Regulation 15-6 and his 6 June 2007 appointment memorandum. Mr. Hodgini is assisted by Environmental Engineer (b)(6) and Legal Advisor Mr. Richard Prins.

Q1: Do you have any questions about the purpose of this interview and the process?

A1: No

Q2: Please state your name.

A2: (b)(6)

Q3: Your address and phone number where you can be reached?

A3: (b)(6)
(b)(6)

Q4: What is your job, and what is your relationship with the Fort Lewis WWTP?

A4: I'm the Senior Safety Director for the installation.

Q5: How long have you been employed by Fort Lewis in this capacity?

A5: As Senior Safety Director, since Nov 2005. Prior to that my title was Installation Safety Director, a position I held since Nov 1993.

Q6: What documents (e.g., OSHA Standards, Regulations, etc.) govern occupational health and safety risk standards at the WWTP?

A6: There are many. Among the primary documents would be 29 CFR 1960, 29 CFR 1910, DoDI 6055.1, AR 385-10, AR 40-5, AR 385-40, FL Reg 385-1, plus internal Public Works, O&M Division and WWTP SOPs.

Q7: What is your overall assessment of how adequate measures are that DPW and WWTP managers take to protect employees against occupational health and safety risks?

A7: In general, DPW and WWTP managers have been both concerned and responsive to the occupational safety and health needs of their employees.

Q8: Are you aware of any cases in which adequate measures have not been taken to protect employees against occupational safety risks at the WWTP? If so, please explain.

A8: In 1994, the US Department of Labor-OSHA investigated complaints about working conditions at the WWTP. They issued two notices with a total of seventeen serious violations and two other-than-serious violations. These were a mix of occupational safety and health issues. OSHA was satisfied with the corrective measures taken by Public Works.

Somewhat earlier, OSHA had also responded to an issue at the WWTP relating to operators working for several hours without readily-available communication for emergencies. Public Works' response to that issue also satisfied OSHA.

In a 2002, evaluation, my office found both areas that were commendable and areas needing improvement at the WWTP. Public Works took actions to correct those needing improvement.

Q9: Are you aware of any cases in which adequate measures have not been taken to protect employees against occupational health risks at the WWTP? If so, please explain.

A9: Some of the concerns identified by OSHA in their 1994 complaint investigation had to do with controlling exposure to gaseous chlorine and bloodborne pathogens. Again, OSHA was satisfied with Public Works' corrective measures. Subsequently, the installation went further in eliminating potential exposures to gaseous chlorine by reengineering the purification process to eliminate gaseous chlorine.

Q10: Are you aware of any other health or safety issues that exist or have existed at the WWTP?

A10: Many years ago (over 30 years), a worker was killed in an explosion. There was also a minimal accidental gaseous chlorine release several years ago. I recall no others, other than the incident last year under investigation, for which I've provided a memorandum for record.

Q11: If so, please describe?

A11: N/A

Q12: Are you aware of any corrective actions local leadership has taken in response to WWTP contamination, health, safety, and management concerns? If so, what actions?

A12: As stated, Public Works' corrective measures have been satisfactory to OSHA and my office when hazards have been identified. Several years ago, the installation went further, eliminating potential exposures to gaseous chlorine by reengineering the purification process in all water treatment facilities to eliminate gaseous chlorine. This greatly reduced a hazard to personnel across the installation.

Q13: Are there any other corrective actions local leadership should take in response to WWTP contamination, health, safety, and management concerns? If so, what actions?

A13: I am currently working to acquire a system that will provide leaders across the installation the tools to identify, assess, and manage safety, fire, environmental and occupational health risks by facility and operation. This would create greater visibility and review of hazards and controls at the WWTP. In addition, Public Works should work with Safety to continue to improve its overall internal safety and occupational health program management system.

Q14: Do you have other information relating to these matters you want to provide?

A14: No.

This is an accurate summary of information I provided to the Investigating Officer:

(b)(6)

Interviewee Signature

28 June 2007
Date

Recorder: _____

IO: John J. Hodgins