

Department of Law, Criminal Division  
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1 IN THE DISTRICT COURT FOR THE STATE OF ALASKA  
2 FIRST JUDICIAL DISTRICT AT KETCHIKAN

3 STATE OF ALASKA,

4 Plaintiff,

5 vs.

6 JOHN D. KARLSON  
7 DOB: 07/21/1935  
8 APSIN ID: 0002852  
9 DMV NO.: 0002852 AK  
ATN: 114675597

10 JOHN D.R. KARLSON  
11 DOB: 03/27/1957  
12 APSIN ID: 0572246  
13 DMV NO.: 0572246 AK  
ATN: 114675606

14 ERNEST S MCREYNOLDS  
15 DOG: 11/08/1961  
16 APSIN ID: 5861600  
17 DMV NO.: 5861600  
ATN: 114675615

18 Defendants.

19 No. (John D. Karlson)  
20 No. (John D.R. Karlson)  
21 No. (Ernest S McReynolds)

22 INFORMATION

23 I certify this document and its attachments do not contain the (1) name of a victim of a sexual offense listed in AS 12.61.140 or (2)  
24 residence or business address or telephone number of a victim of or witness to any offense unless it is an address identifying the place of a  
crime or an address or telephone number in a transcript of a court proceeding and disclosure of the information was ordered by the court.  
The following counts charge a crime involving DOMESTIC VIOLENCE as defined in AS 18.66.990: None

25 Count I - AS 46.03.710  
26 Pollution Of Land/Air/Water  
John D.R. Karlson - 001, Ernest S McReynolds - 001, John D. Karlson - 001

27 THIS MATTER IS  
FORMALLY ASSIGNED TO  
KEVIN G. MILLER  
DISTRICT COURT JUDGE

Filed in the Trial Courts  
State of Alaska  
First Judicial District  
at Ketchikan

NOV 06 2019

Clerk of the Trial Courts  
By \_\_\_\_\_ Deputy

IKE-19-912CR

IKE-19-913CR

IKE-19-914CR

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Count II - 18AAC70  
Water Quality  
John D.R. Karlson – 002, Ernest S McReynolds - 002, John D. Karlson - 002

Count III - 18AAC70.020  
Violate Water Quality Standards  
John D.R. Karlson – 003, Ernest S McReynolds - 003, John D. Karlson - 003

Count IV - 18AAC83.405(k)  
Failure to Maintain Required Records  
John D.R. Karlson – 004, Ernest S McReynolds - 004, John D. Karlson - 004

Count V – AS 46.03.790  
Failure to Comply with Drinking Water Requirements  
John D.R. Karlson – 005, Ernest S McReynolds - 005, John D. Karlson - 005

THE DISTRICT ATTORNEY CHARGES:

COUNT I

That in the First Judicial District, State of Alaska, between on or about 11/8/2014 and 11/8/2019, at or near Ketchikan, JOHN D. KARLSON, JOHN D.R. KARLSON, and ERNEST S MCREYNOLDS, polluted or added to the pollution of the air, land, subsurface land, or water of the state.

All of which is a class A misdemeanor in violation of AS 46.03.710 and AS 46.03.790 and against the peace and dignity of the State of Alaska.

COUNT II

That in the First Judicial District, State of Alaska, between on or about 11/8/2014 and 11/8/2019, at or near Ketchikan, JOHN D. KARLSON, JOHN D.R. KARLSON, and ERNEST S MCREYNOLDS, conducted an operation that caused or contributed to a violation of the water quality standards of the State of Alaska under 18 AAC 70.

All of which is a class A misdemeanor in violation of 18 AAC 70.010 and AS 46.03.790 and against the peace and dignity of the State of Alaska.

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COUNT III

That in the First Judicial District, State of Alaska, between on or about 11/8/2014 and 11/8/2019, at or near Ketchikan, JOHN D. KARLSON, JOHN D.R. KARLSON, and ERNEST S MCREYNOLDS, conducted an operation that caused or contributed to a violation of the water quality standards for designated uses in fresh water and marine water, including water recreation, the growth and propagation of fish, shellfish, other aquatic life, and wildlife and harvesting for consumption of raw mollusks or other raw aquatic life.

All of which is a class A misdemeanor in violation of 18 AAC 70.020 and AS 46.03.790 and against the peace and dignity of the State of Alaska.

COUNT IV

That in the First Judicial District, State of Alaska, between on or about 11/8/2014 and 11/8/2019, at or near Ketchikan, JOHN D. KARLSON, JOHN D.R. KARLSON, and ERNEST S MCREYNOLDS, failed to follow conditions of Vallenar View Mobile Home Parks' Alaska Pollutant Discharge Elimination System permit, including complying with monitoring and recordkeeping conditions.

All of which is a class A misdemeanor in violation of 18 AAC 83.405 and AS 46.03.790 and against the peace and dignity of the State of Alaska.

COUNT V

That in the First Judicial District, State of Alaska, between on or about 11/8/2014 and 11/8/2019, at or near Ketchikan, JOHN D. KARLSON, JOHN D.R. KARLSON, and ERNEST S MCREYNOLDS, violated a regulation of the Department of Environmental Conservation, to wit: drinking water regulations under 18 AAC 80.010.

All of which is a class A misdemeanor in violation of AS 46.03.790(a)(1) and 18 AAC 80.010 and against the peace and dignity of the State of Alaska.

1 The undersigned swears under oath this Information is based upon a review of  
2 Environmental Crimes Unit report submitted to date.

3 The Department of Environmental Conservation's Environmental Crimes Unit  
4 (ECU) conducted an investigation into reports that Vallenar View Mobile Home Park in  
5 Ketchikan, AK was out of compliance in regard to their its drinking water supply and its  
6 wastewater treatment plant. Vallenar View Mobile Home Park (VVMHP) is located at  
7 11385 North Tongass Highway, approximately ten miles north of Ketchikan, AK. It is  
8 home to a community of approximately 250 people and approximately 73 mobile homes.  
9 Investigation revealed that VVMHP had not complied with their Alaska Pollution  
10 Discharge Elimination System (APDES) permit since being purchased and operated by  
11 John Dan KARLSON (J. KARLSON) in 1996. J. KARLSON was the sole proprietor of  
12 VVMHP. John Daniel Richardson KARLSON (D. KARLSON) managed the property via  
13 his construction company, K&K Construction, Inc. Ernest MCREYNOLDS served as the  
14 head of maintenance for VVMHP as well as the operator of VVMHP's Waste Water  
15 Treatment Plant (WWTP) and its Public Water System (PWS.) VVMHP's on-site  
16 WWTP discharges an estimated average of 16-18,000 gallons per day of effluent into the  
17 Tongass Narrows via Whipple Creek. The area downriver of the outfall is used for  
18 recreational use including kayaking, shellfish harvesting and fishing. In both 2018 and  
19 2019, DEC has issued advisories for Ketchikan beaches downriver of VVMHP's  
20 wastewater discharge outfall due to high levels of fecal coliform bacteria.

21 Since its purchase in 1996, the VVMHP WWTF has operated pursuant to a  
22 number of National Pollutant Discharge Elimination System (NPDES) General Permits  
23 for wastewater discharge. The Alaska Department of Environmental Conservation  
24 (ADEC) was delegated authority to administer the Clean Water Act's NPDES and related  
25 permits in Alaska by the Environmental Protection Agency (EPA). This is accomplished  
26 through the Alaska Pollutant Discharge Elimination System (APDES). VVMHP's  
27 WWTF is subject to an APDES General Permit issued by ADEC.

On October 6, 2004, Vallenar View WWTP obtained coverage under the EPA  
National Pollutant Discharge Elimination System (NPDES) general permit AKG571000;

1 Small Publicly Owned Treatment Works and other Small Treatment Works Treating  
2 Domestic Sewage to Secondary Standards and Discharging to Marine Waters, and was  
3 assigned permit number AKG571024. On June 24, 2005, ADEC Environmental  
4 Specialist III (ESIII) Shawn STOKES performed an inspection of the Vallenar View  
5 WWTP. STOKES identified multiple violations including: a lack of monitoring,  
6 reporting, record keeping and basic operational testing. An analytical report of effluent  
7 samples collected during the inspection showed significant effluent violations of fecal  
8 coliform (FC), total suspended solids (TSS) and Biological Oxygen Demand (BOD). On  
9 April 25, 2007 USEPA inspector, Michael HOYLES, conducted a compliance inspection  
10 of the Vallenar View WWTP and observed the same violations reported in the 2005  
11 inspection by ADEC. On May 30, 2008, ADEC ESIII Sally WANSTALL inspected the  
12 Vallenar View WWTF in response to a lack of permit compliance from the facility  
13 operators. The violations observed during the inspection were the same seen in the 2005  
14 and 2007 inspections.

15 On November 1, 2012, ADEC issued VVMHP an authorization to discharge  
16 20,000 gallons per day of treated wastewater under General Permit AKG572000, and  
17 assigned permit authorization AKG572047. The authorization included effluent  
18 limitations and monitoring requirements for influent, effluent, and a mixing zone along  
19 with an additional fecal coliform bacteria compliance schedule. On September 11, 2015,  
20 ADEC sent D. KARLSON a letter informing him the Vallenar View WWTP had not  
21 submitted any Discharge Monitoring Reports (DMRs) and was in violation of the  
22 conditions of their authorization permit. On November 20, 2015, ADEC EPSIII Darren  
23 STEWART performed an inspection of the Vallenar View WWTF and observed  
24 continued violations of the same deficiencies observed during inspections conducted in  
25 2005, 2007 and 2008. D. KARLSON and MCREYNOLDS accompanied inspectors as  
26 representatives of VVMHP at each of the four (4) inspections. On December 30, 2015, D.  
27 KARLSON, VVMHP, was issued a Notice of Violation (NOV) for the violations  
observed in past inspections. The NOV required the collection and analysis of samples as  
required in their permit within 14 days of receiving the NOV and submission of a DMR

1 presenting the sample results by February 15, 2016. Also due February 15, 2016 was a  
2 facility specific Quality Assurance Project Plan (QAPP). VVMHP management failed to  
3 submit a DMR or QAPP by the deadline provided in the NOV. Beginning August 12,  
4 2016, MCREYNOLDS began submitting DMRs to ADEC for the VVMHP WWTP. All  
5 of the DMRs submitted by MCREYNOLDS from the reporting period of July 2016 to  
6 present indicate VVMHP's WWTP consistently failed to meet permitted limits for:  
7 Dissolved Oxygen, Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS),  
8 Fecal Coliform counts, BOD Minimum Percentage Removal Rate and TSS Minimum  
9 Percentage Removal Rate. Fecal Coliform counts for the WWTP effluent samples  
10 exceeded limits by thousands of times the permitted daily maximums. Additionally,  
11 MCREYNOLDS failed to submit a DMR for the September 2016 reporting cycle.

12 In a report dated August 24, 2016 produced by Robert BAGGET P.E., R&M  
13 Engineering, for MCREYNOLDS, R. BAGGET describes observations made during an  
14 inspection of the VVMHP WWTP as follows: The metal chambers of the WWTP showed  
15 signs of severe rust in the areas observed above the water line and was in need of repair  
16 or replacement before it started leaking. BAGGETT identified that the aeration tank was  
17 approximately 80% full of sludge and the settling tank was approximately 95% full of  
18 sludge. Based on the amount of sludge built up in the settling tank, it appeared both the  
19 skimmers and sludge return pumps were not functioning. BAGGETT suggested that  
20 given the poor condition of the existing WWTF, replacing the existing treatment plant  
21 may be more cost effective than making the improvements necessary to ensure the  
22 system would meet permitted discharge requirements.

23 On November 17, 2016, ADEC EPS IV Kristi ASPLUND collected an influent  
24 and effluent sample from the VVMHP WWTP. The analytical results indicated the Fecal  
25 Coliform count for wastewater exiting the WWTP was five (5) times higher than that  
26 entering the plant. The Fecal Coliform count for the influent was 320,000 FC/100mL and  
27 the effluent was 1,600,000 FC/100mL; 200,000 times the permitted daily maximum limit.

Interviews of J. KARLSON, D. KARLSON and MCREYNOLDS indicated  
MCREYNOLDS was responsible for making sure VVMHP complied with ADEC

1 wastewater and drinking water permit requirements. MCREYNOLDS said he began  
2 learning about wastewater and drinking water permits in 1993, but still was not  
3 completely familiar with the ADEC permitting process. MCREYNOLDS claimed a lack  
4 of time and knowledge kept him from properly operating the WWTP and PWS.  
5 MCREYNOLDS admitted to discarding mail he received from ADEC. He claimed not to  
6 be good at handling or dealing with paperwork, so he chose to ignore it. Scott MENZIE,  
7 an engineer at Menzie Engineering, stated during an interview he worked with VVMHP  
8 for approximately 15 years on various projects and was confident MCREYNOLDS had  
9 the knowledge to serve as the operator for VVMHP's WWTP and PWS.

10 VVMHP acquires approximately 16,000 gallons of water daily from Whipple  
11 Creek at its water treatment plant and delivers this as drinking water to approximately 73  
12 mobile homes in the park. A review of documents provided by ADEC-EH Drinking  
13 Water Program indicated VVMHP failed to submit Consumer Confidence Reports  
14 (CCRs) for the annual reporting cycles of 2012, 2013 and 2014. VVMHP failed to submit  
15 bi-annual lead (Pb) and copper (Cu) samples for analysis from 2006 through 2015.  
16 VVMHP failed to submit quarterly samples for Disinfection By-Products (DBPs) from  
17 September 30, 2013 to June 2016. Quarterly samples are required annually in the months  
18 of March, June, September and December. VVMHP failed to submit samples for Volatile  
19 Organic Compounds (VOCs) from 2011 through 2015. Additionally, MCREYNOLDS'  
20 Level 1 Water Treatment Operator Certification expired December 31, 2012. He operated  
21 the VVMHP PWS from January 1, 2013 to June 6, 2013 (five months) without  
22 certification. MCREYNOLDS re-obtained a Water Treatment Operator Certification and  
23 Water Distribution Operation Certification on June 6, 2013, with an expiration date of  
24 December 31, 2015. MCREYNOLDS again allowed his certifications to lapse, and thus  
25 operated VVMHP PWS from January 1, 2015 until March 31, 2017, over two years  
26 without certification. MCREYNOLDS obtained a current certification on March 31,  
27 2017.

Interviews of VVMHP residents indicated the water from the VVMHP PWS was  
frequently discolored. The majority of the residents interviewed drank either filtered or

1 bottled water. Two residents, Jon STACHELRODT and Markuitta BAKER, quit drinking  
2 water from the VVMHP PWS because they believed they had received a waterborne  
3 illness from the systems water. Beth WEBB, a former tenant and office manager of  
4 VVMHP indicated she and her family experienced medical issues while living at the  
5 mobile home park, however they did not drink the water from the VVMHP PWS. None  
6 of those interviewed were aware of residents developing chronic illnesses from drinking  
7 or using the water from the PWS. A review of the Enforcement Targeting Tool database  
8 located on the ADEC/EH Drinking Water Program webpage and last updated August 14,  
9 2017 indicated the VVMHP PWS has two (2) violations, both for DBP exceedances.  
10 VVMHP PWS was not authorized to operate per the ADEC Drinking Water Program as  
11 of February 22, 2018. It had failed to install corrosion control treatment or address its  
12 ongoing DBP exceedances.

12 VVMHP, represented by JOHN D. KARLSON, entered into an agreement with  
13 the Department of Environmental Conservation in 2017 to address the wastewater  
14 treatment issues. They agreed to submit a Quality Assurance Project Plan (QAPP) by  
15 August 1, 2017, install a new wastewater transfer facility as of December 1, 2017, report  
16 monitoring results monthly of the effluent discharges and contact DEC regarding all  
17 effluent monitoring violations or exceedances. As of June 5, 2019, Vallenar View has  
18 failed to submit a QAPP or install a new wastewater transfer facility.

#### 19 BAIL INFORMATION

20 Per the Alaska Public Safety Information Network, the defendant has the  
21 following convictions in Alaska:

22 JOHN D KARLSON

23 DKE 05/22/85 DWI - ALCOHOL M850481 Y N

24 JOHN D.R. KARLSON

25 DKE 08/16/13 PROTECTION OF F&G 1KE-13-557 N N 110788713  
26 DKE 02/24/88 ASSAULT 4 1KE-88-160 Y N

27 ERNEST S MCREYNOLDS

DKE 10/17/89 DRIV W/O LICENSE M8901331 N



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DKE 02/16/88 DRIV W/O LICENSE N  
DKE 05/18/87 DRIV W/O LICENSE M8700307 N  
DKE 11/03/86 NEGLIGENT DRIVING 86-1195 N N  
DKE 07/05/82 DISORDERLY CONDUCT 82-682 Y N

Dated at Anchorage, Alaska, this 6<sup>th</sup> day of November, 2019.

KEVIN G. CLARKSON  
ATTORNEY GENERAL

By: Carole A. Holley  
Carole A. Holley  
Assistant Attorney General  
Alaska Bar No. 0611076

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