



ARKANSAS  
Department of Environmental Quality

May 21, 2019

Honorable Rick Elumbaugh, Mayor  
Batesville Water Utilities  
500 River Bank Road  
Batesville, AR 72501

**RE: NPDES Permit Number: AR0020702, AFIN: 32-00044  
Whole Effluent Toxicity Test Lab Error**

Dear Mayor Elumbaugh:

The Department has conducted a review of the Whole Effluent Toxicity (WET) tests performed by American Interplex Corporation from September 2016 to January 2019. The review revealed that acute WET tests for *Pimephales promelas* and *Daphnia pulex* conducted for Outfall 001 during December 6, 2016, as required by NPDES Permit No. AR0020702 (Permit) deviated from the 48-hour test duration specified in EPA-821-R-02-012. These tests have been deemed invalid.

Please correct the TX2-Q Discharge Monitoring Report (DMR) for December 31, 2016 to reflect "NODI M – Laboratory Error" and attach this letter as your non-compliance report. These corrections should be made by June 1, 2019.

Reporting Laboratory Error on your DMR is a violation of Part I, Section A of your Permit. The Department has elected not to take formal enforcement action for these violations of your Permit.

Thank you for your attention to this matter. If you have questions or would like to discuss this matter further, please feel free to contact Myrl Lawrence at 501-682-0699, or by e-mail at [myrl.lawrence@adeq.state.ar.us](mailto:myrl.lawrence@adeq.state.ar.us).

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Healey".

Richard Healey  
Enforcement Branch Manager  
Office of Water Quality

cc: Eugene Townsley, Superintendent, Batesville ([wwsuper@cityofbatesville.com](mailto:wwsuper@cityofbatesville.com))  
John Overbey, Laboratory Director, American Interplex Corporation  
([joverbey@americaninterplex.com](mailto:joverbey@americaninterplex.com))