

**From:** [Luther, Tim/FAY](#)  
**To:** [Healey, Richard](#); [Pemberton, Layne](#)  
**Cc:** [Carpenter, Steven/CRP](#); [Miller, Mayo/Fay](#); [Vinson, Thom/FAY](#); [Strange, Michelle/FAY](#)  
**Subject:** Non-Compliance Report Permit AR0050288  
**Date:** Tuesday, April 25, 2017 2:54:00 PM  
**Attachments:** [Non-Compliance Report.pdf](#)

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Richard,

Attached is the non-compliance report as requested. The non-compliance report is attached to the NetDMR as well. Thank you for your assistance in this unfortunate matter.

Best regards,

**Tim Luther**

*Operations Manager*

**D** 479 443 3292

**C** 479 790 4747

**F** 479 443 5613

**CH2M**

1400 N Fox Hunter Road

Fayetteville, AR 72701

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**From:** Healey, Richard [mailto:HEALEYR@adeq.state.ar.us]  
**Sent:** Thursday, April 13, 2017 2:48 PM  
**To:** Luther, Tim/FAY <Tim.Luther@CH2M.com>  
**Cc:** Osborne, Caleb <osbornec@adeq.state.ar.us>; Blanz, Bob <blanz@adeq.state.ar.us>; Reiber, Loretta <REIBER@adeq.state.ar.us>; Leamons, Bryan <LEAMONS@adeq.state.ar.us>; McWilliams, Carrie <mcwilliamsc2@adeq.state.ar.us>; Pemberton, Layne <PEMBERTON@adeq.state.ar.us>; McDonald, Scott <mcdonald@adeq.state.ar.us>; Bolenbaugh, Jason <BOLENBAUGH@adeq.state.ar.us>; Semberski, Penny <SEMBERSKI@adeq.state.ar.us>  
**Subject:** FW: Compliance Question from AR0020010 Fayetteville - fired operator and improper sample storage [EXTERNAL]

Tim

As we discussed earlier, because Fayetteville (NPDES Permit AR00200010) is unable certify the sample(s) were taken in accordance with the procedures in 40 CFR 136, then Fayetteville should use a DMR Data Qualifier or No Data Indicator (NODI) (Code H – Invalid Test) for that parameter on your NetDMR. Unfortunately, an Invalid Test NODI code will show a permit violation for the specific parameter for the specific month. Based on ADEQ's evaluation on the information provided in your email below the circumstances which cause the invalid test and violation have been corrected. However, for the record, please submit Non-Compliance Report to ADEQ and attach a copy to your

monthly NetDMR.

NODI Codes

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<https://www.adeg.state.ar.us/water/enforcement/pdfs/adeg-netdmr-user-guide.pdf>

If you have any questions, please do not hesitate to contact me.

Thanks

Richard C. Healey  
Enforcement Branch Manager  
Office of Water Quality  
Arkansas Department of Environmental Quality  
501-682-0640  
[healeyr@adeq.state.ar.us](mailto:healeyr@adeq.state.ar.us)

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**From:** Luther, Tim/FAY [<mailto:Tim.Luther@CH2M.com>]  
**Sent:** Tuesday, April 11, 2017 12:05 PM  
**To:** Pemberton, Layne  
**Cc:** Carpenter, Steven/CRP; Miller, Mayo/Fay; Vinson, Thom/FAY; Strange, Michelle/FAY  
**Subject:** Compliance Question

Mr. Pemberton,

We wish to inform you of the recent termination of a Class IV Wastewater Operator employed by our company, CH2M, the contract operator for the City of Fayetteville's wastewater treatment facilities. The Operator was terminated after an internal investigation concluded that the Operator did not properly complete the required daily Operator tasks and then falsified documents related to those tasks.

The investigation found that during the weekend shift on March 18, 2017 in the West Side WRRF, Fayetteville - AFIN #72-01033, NPDES Permit #AR0050288, the Operator recorded in the autosampler #1 logbook that there was no sample volume in the composite sample container and that no samples were collected by the autosampler in the 24-hour composite sampling period. However, the autosampler history log documents that 12 samples were collected after the noon collection period which began on March 17, 2017 and concluded on March 18, 2017.

On March 19, 2017 in the West Side Plant, the Operator recorded in the autosampler #1 logbook that only one sample was collected by the autosampler and that it collected less than one liter of effluent. Again, the autosampler history log documents that 12 samples were collected from noon on March 18, 2017 to noon on March 19, 2017. Further findings concluded that the Operator did not conduct the proper autosampler refrigeration checks.

Had the autosampler refrigeration checks been conducted as required, the Operator would have observed that the sample container in the autosampler contained the proper volume of effluent sample.

The investigation also found that the Operator entered test results on the daily bench sheet for process control phosphorus and nitrate samples during the shift on March 25, 2017 and March 26, 2017. A review of the analytical equipment's log history showed that no tests had been conducted. Additionally, the Operator also logged process control nitrate test results on the bench sheet at another facility. Similarly, the analytical equipment's log history showed that the nitrate tests were not performed on that instrument. The Operator initialed the process control checklist that the tests had been conducted.

Based upon the above findings we are unable to confirm that the Operator performed the refrigeration checks for the redundant autosampler #2 as logged into the autosampler #2 logbook. Because the volume of sample collected in autosampler #1 is in question, the volume data was not used for the week's effluent compliance samples. We have confirmed that autosampler #2 was within required refrigeration temperatures when another Operator checked the autosampler on Friday March 17<sup>th</sup> and again when the Laboratory Technician collected the composite sample on Monday March 20<sup>th</sup>. While we do not believe that the refrigeration temperature was outside of the acceptable range, we cannot confirm the temperature for the start of the collection period at noon on Sunday, March 19. As such, we are disclosing the facts associated with this situation. Your guidance on the use of this sample for permit compliance purposes would be appreciated.

We will be notifying the Arkansas Wastewater Licensing Committee of our findings and actions regarding the Class IV Wastewater Operator.

If you have any questions regarding the information in this letter, please contact me at 479-790-4747.

Best regards,

**Tim Luther**

*Operations Manager*

**D** 479 443 3292

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1400 N Fox Hunter Road

Fayetteville, AR 72701