

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT**

THE STATE OF WASHINGTON,  
  
Plaintiff,

NO. 16-C-02195-2 SEA  
NO. 16-C-02196-1 SEA

AFFIDAVIT OF PROBABLE CAUSE

v.

GEORGE CAMPBELL, an individual,  
and BROADBAND  
ENVIRONMENTAL SERVICE, INC., a  
Washington Corporation,  
  
Defendant.

AMY JANKOWIAK declares, on penalty of perjury of the laws of the State of Washington that the following is true and correct:

I am an employee of the State of Washington Department of Ecology Water Quality Program, located in Bellevue, Washington. In that capacity, I investigated potential violations of Washington water quality law and regulations at the Washington State Patrol Fire Training Academy (FTA), located in North Bend, King County, Washington.

The FTA produces up to 23,610 gallons per day of reclaimed water using membrane bioreactor (MBR) technology with biological nutrient removal for nitrogen. The wastewater consists of domestic wastewater from dormitories, offices, classroom buildings, and the kitchen. The treatment plant pumps the reclaimed water pumped to a storage pond that ultimately supplies water for fire-fighting exercises.

1 GEORGE CAMPBELL is a contract operator, registered agent, owner, and president of  
2 Broadband Environmental Service, Inc., a Washington corporation. Broadband was contracted  
3 by the Washington State Patrol to operate the reclaimed water facility/wastewater treatment  
4 plant (reclaim facility) between 2009 and August of 2014. Mr. Campbell has been working in  
5 wastewater since 1995 and has been a certified operator since 1997. At all times discussed in  
6 this Affidavit, Mr. Campbell was acting in his role as an individual and as agent, owner, and  
7 president of Broadband Environmental Service, Inc.

8 Ecology took notice of inconsistencies with pH data when conducting an inspection and  
9 technical assistance visit on November 17, 2014. During the inspection, Ecology reviewed all  
10 paperwork related to the FTA reclaim facility and discovered inconsistencies between the  
11 original source data (raw data) and the Discharge Monitoring Reports (DMRs) submitted to  
12 Ecology. Inconsistencies were found for pH and total coliform and there was also some data  
13 reported to Ecology that lacked supporting documentation (the raw data was missing).  
14 Ecology reviewed all available data, and conducted interviews with Mr. Campbell and several  
15 current and past FTA staff members.

16 Mr. Campbell, as operator of the facility, and FTA maintenance staff monitored and  
17 analyzed certain water quality parameters on-site: Dissolved oxygen (DO), temperature, pH,  
18 flow, turbidity, ultraviolet (UV) dose, and some total coliform. Some samples for total  
19 coliform and all samples for Biochemical Oxygen Demand (BOD) and Total Suspended Solids  
20 (TSS) were collected and analyzed by Dragon Analytical, an accredited laboratory. Results for  
21 DO, temperature, pH, and total coliform were recorded on the "WSP FTA Daily Wastewater  
22 Effluent Reading" or "Daily Wastewater Effluent Sample" logs (daily logs) only. Flow,  
23 turbidity, temperature, DO, and UV Dose were monitored electronically and stored by SCADA  
24 software. UV transmittance was recorded with a portable hand-held device (only used by Mr.  
25 Campbell). Mr. Campbell did all of the monitoring and analysis himself when he was on-site,  
26 and FTA maintenance staff would check for flow and measure pH, in-house total coliform,

1 DO, and temperature. Mr. Campbell kept the hand-held UV transmittance monitor with him  
2 and no other staff ever collected or recorded UV transmittance values.

3 A new contract operator, Water & Wastewater Services, was brought on after the  
4 contract with Mr. Campbell ended in September of 2014. They reported that all electronic data  
5 prior to August 1, 2014, including flow, turbidity, UV dose, dissolved oxygen, and temperature  
6 that were supposed to be stored in the SCADA system were not in the system when they took  
7 over the reclaim facility. Raw data for flow, turbidity, and UV dose was also nowhere to be  
8 found. When asked about this missing electronic data for continuously measured parameters  
9 such as turbidity, DO and flow, Mr. Campbell said that he didn't know why the data wasn't  
10 there. Mr. Campbell suggested that it may have something to do with a computer crash or a  
11 software upgrade completed by outside IT consultants during his tenure, though he claimed he  
12 couldn't remember when those events occurred.

13 Mr. Campbell prepared the DMRS and sent them to the FTA Commander/Academy  
14 Administrator, who submitted them without alteration to Ecology. DMRs were submitted on  
15 paper between October 2012 and October 2013 and then electronically from November 2013  
16 and thereafter. In later interviews, Mr. Campbell confirmed that he was the only one who took  
17 data from any and all of the above data sources and put that information on the DMRs. For data  
18 submitted electronically, it was confirmed through the form processing system, that the only  
19 one who ever made any changes to the electronic data was Mr. Campbell. And for the data  
20 submitted on paper, it was confirmed through e-mail records and verbal confirmation from  
21 signators that the data Mr. Campbell prepared wasn't changed on the DMRs from what he  
22 prepared. No DMR data was ever changed by FTA staff or anyone other than Mr. Campbell.

23 Summary of Data Discrepancies:

24 *pH:*

25 For the data from October 2012 until Mr. Campbell left in August of 2014, there were  
26 20 dates where pH was less than 6.0 (permit minimum) on the raw data sheets and of those 20

1 numeric values, 15 values were reported to be above 6.0 and in compliance with permit limit  
2 on the DMR sheet. Only the month of April 2014 was reported consistent with the raw data  
3 when the actual results were out of permit compliance. In addition, there were two other  
4 entries where there was a slight difference in the data reported (7.30 vs 7.03 and 6.34 vs 6.37).  
5 Of the 221 reported pH values on the DMRs, all but 17 were reported consistent with the raw  
6 data. Appendix A, Table 1, includes the dates where the raw pH data was less than 6.0.

7 When shown the inconsistent pH reporting between the raw data sheets and the  
8 submitted DMRs, Mr. Campbell stated that "I falsified the pH numbers to continually work on  
9 fixing the problem." He said that he wanted to figure out why the pH was low, and to correct  
10 the problem.

11 At least three of the values for pH on the raw data sheets/daily logs were changed by  
12 writing over them to make the pH values look like they were in compliance with the permitted  
13 pH range of between 6.0 and 9.0. Mr. Campbell admitted that it was he who had written over  
14 the original values on the raw data sheets, and that they would have been permit violations had  
15 he not changed them.

16 *Total Coliform:*

17 For the data from October 2012 until Mr. Campbell left in August of 2014, ten total  
18 coliform results reported on the DMR form were significantly different from the raw data.  
19 There were also nine dates where a total coliform value was not reported on the DMRs, with  
20 each of the raw data results being <1 or zero. Of the 221 reported total coliform values, all but  
21 ten were reported on the DMR form consistent with the raw data. Appendix A, Table 2  
22 includes the dates where the total coliform reported on the DMR differed significantly from the  
23 raw data. When Mr. Campbell was shown the summary total coliform spreadsheet, he was  
24 asked if the total coliform bacteria values were also falsified. Mr. Campbell said "yes". Mr.  
25 Campbell stated that in his opinion, the coliform limits were overly restrictive and that he  
26

1 thought some of the total coliform samples taken and analyzed by maintenance staff were  
2 taken from the influent instead of the effluent.

3 *UV Transmittance:*

4 For the data from October 2012 through August 2014, the dates that have a UV  
5 transmittance result without a corresponding BOD or TSS result are listed below. If there was  
6 flow at the reclaim facility and Mr. Campbell was on-site, BOD, TSS and typically total  
7 coliform were taken weekly and sent to Dragon Analytical. UV transmittance may have also  
8 been taken with the hand-held meter when Mr. Campbell was on-site. Because Mr. Campbell  
9 was the only person who took BOD or TSS samples, the absence of this information for the  
10 dates below implies instances when there is flow but Mr. Campbell was not on-site and so  
11 could not take a UV transmittance reading. In spite of this, a UV transmittance value for each  
12 of these dates was reported. It is estimated that between 160 and 175 occurrences of  
13 falsification occurred for UV transmittance. Appendix A, Table 3 includes the estimated  
14 occurrences of dates when UV transmittance data was falsified.

15 Mr. Campbell confirmed that UV transmittance was taken with a hand-held meter  
16 which only he had and kept with him. When asked how there was data for UV transmittance  
17 on days he was not on-site, he said it was always 100%, and admitted that he estimated the  
18 transmittance after-the-fact using his experience and he thought what he was doing was fine.  
19 All UV transmittance has been reported as 100% with the exception of two months where the  
20 values ranged from 77% - 94%.

21 *BOD/TSS inconsistencies:*

22 For the period from October 2012 through August 2014, there are some BOD and TSS  
23 results reported on the DMR without a laboratory report to confirm that the analyses were  
24 conducted. On February 3, 2014, the billing and laboratory records show only total coliform  
25 was sent for analysis, analyzed and billed, yet there are BOD influent and effluent results  
26 reported for that date on the DMR. February 3, 2014, is the only day during that week that

1 results were reported. There are no records of BOD or TSS analysis done that week. Appendix  
2 A, table 4 includes a summary of BOD and TSS results that were reported on February 3,  
3 2014.

4 In summary, Mr. Campbell violated the following Special Conditions of the FTA  
5 Reclaimed Water State Waste Discharge Permit No. ST00445506 (Permit) for which Mr.  
6 Campbell was contracted to operate and comply with:

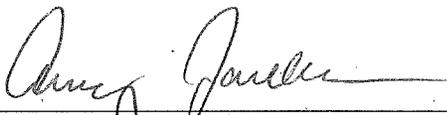
- 7 • R2.C Sampling and Analytical Procedures. The reported values for total coliform, pH,  
8 UV transmittance, BOD and TSS did not always represent the volume and nature of the  
9 monitored parameters.
- 10 • R2.D.4 Flow Measurement, Field Measurement, and Continuous Monitoring Devices –  
11 States that the Permittee must “maintain calibration records for at least three years.”  
12 No calibration records were found on-site.
- 13 • R3.B Records Retention – Three months of daily logs, 22 months of electronically  
14 stored data, and several Dragon Analytical analysis records were not retained, and no  
15 records of operational problems were retained.
- 16 • R3 Reporting and Record Keeping Requirements – The values submitted for pH, total  
17 coliform, and UV transmittance were falsified by Mr. Campbell.
- 18 • R3.C Recording of Results – Mr. Campbell did not accurately or completely record  
19 results.
- 20 • R3.E.2.b.4 Reporting Permit Violations, Twenty-four Hour Reporting – none of the  
21 violations of the total coliform sample daily maximum or the pH daily minimum were  
22 reported within 24 hours, or at all in most cases.
- 23 • R5.B.2 O&M Program – There were no maintenance records found on-site.
- 24 • R7.A Reclaimed Water Distribution and Use, Authorized Uses and Locations – Mr.  
25 Campbell allowed the distribution of reclaimed water that he knew did not meet the  
26 water quality or monitoring requirements of the Permit.

19 In total, Mr. Campbell and Broadband Environmental Service, Inc. falsified data  
20 reported to Ecology for the FTA on at least 177 occasions during the time period from October  
21 2012 through August 2014, including pH, total coliform, UV transmittance, BOD, and TSS.  
22 Mr. Campbell was contracted to operate the FTA reclaim facility as the operator-in-charge  
23 with the expectation that he would comply with the Permit requirements. Mr. Campbell’s  
24 operations led to multiple violations of the Permit, including the violations listed above for  
25 each falsification, reporting, record keeping, and operational violations. As discussed above,  
26

1 the reclaimed water from the FTA reclaim facility was used by firefighters for fire-fighting  
2 exercises, and was occasionally sprayed on firefighters themselves on unseasonably hot days.  
3 The fact that Mr. Campbell did not report the treatment problems likely led to longer periods of  
4 violations and potential risk to public health and the environment.

5 Appendix A to this Affidavit presents the dates and contents of the data falsified and  
6 reported by Mr. Campbell and Broadband Environmental Service, Inc.

7 DATED this 9 th day of February, 2016.

8  
9  
10   
11 AMY JANKOWIAK  
12 Washington Department of Ecology  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**APPENDIX A**

**Table 1: pH Discrepancies**

Sample Date	Data Source	Raw Data	Reported Data on DMR	Comment
10/14/2012	Daily Wastewater Effluent Sample Log	5.98	6.02	
10/19/2012	Daily Wastewater Effluent Sample Log	4.14	6.14	
10/20/2012	Daily Wastewater Effluent Sample Log	3.6	6.55	
10/21/2012	Daily Wastewater Effluent Sample Log	3.43	6.43	
10/22/2012	Daily Wastewater Effluent Sample Log	3.62	6.62	
10/27/2012	Daily Wastewater Effluent Sample Log	3.17	6.17	
10/29/2012	Daily Wastewater Effluent Sample Log	3.20	6.20	
10/31/2012	Daily Wastewater Effluent Sample Log	3.23	6.23	
2/1/2013	Daily Wastewater Effluent Sample Log	4.19	6.19	
2/5/2013	Daily Wastewater Effluent Sample Log	4.53	6.53	
2/6/2013	Daily Wastewater Effluent Sample Log	5.56	6.56	
7/9/2013	Daily Wastewater Effluent Sample Log	5.94	6.00	
4/19/2014	Daily Wastewater Effluent Sample Log	4.29	4.29	
4/22/2014	Daily Wastewater Effluent Sample Log	3.84	3.84	
4/24/2014	Daily Wastewater Effluent Sample Log	4.68	4.68	
4/25/2014	Daily Wastewater Effluent Sample Log	4.56	4.56	
4/28/2014	Daily Wastewater Effluent Sample Log	4.66	4.66	
5/1/2014	Daily Wastewater Effluent Sample Log	4.37	8.37	Daily log "4" written over to change to an "8"
7/31/2014	Daily Wastewater Effluent Sample Log	4.69	8.69	Daily log "4" written over to change to an "8"
8/13/2014	Daily Wastewater Effluent Sample Log	4.86	6.86	Daily log "4" written over to change to a "6"

**Table 2: Total Coliform Discrepancies**

Sample Date	Data Source	Total Coliform Raw Data (cfu/100 ml)	Reported Data on DMR (cfu/100 ml)
10/4/2012	Daily Wastewater Effluent Sample Log and Dragon Analytical Report 121004-08	4.2 on daily report and "invalid" on Dragon Analytical Report*	2.20
10/9/2012	Daily Wastewater Effluent Sample Log	3	2.00
10/13/2012	Daily Wastewater Effluent Sample Log	3.1	2.00
10/14/2012	Daily Wastewater Effluent Sample Log	8.7	3.10
10/21/2012	Daily Wastewater Effluent Sample Log	43	4.30
10/28/12	Daily Wastewater Effluent Sample Log	8	No value reported
1/8/2013	Daily Wastewater Effluent Sample Log	5.3	0.00
7/9/2013	Daily Wastewater Effluent Sample Log	36	0.00

2/11/2014	Daily Wastewater Effluent Sample Log	13	1
2/12/2014	Daily Wastewater Effluent Sample Log	0	3

Note that the results for 2/11-2/12 could have been a transcription error.

\*Lab note: Invalid because greater than 200 atypical colonies on plate

**Table 3: UV Transmittance Summary**

Month/Year	# Dates with UV Transmittance data and no BOD/TSS	# Dates Likely to have Occurred without a sample being taken (subtracted out once/week possible sample taken)	UV Transmittance Value Reported on each date
October 2012	15	11	84-88%
November 2012	10	8	All 100%
December 2012	6	5	All 100%
January 2013	5	3	All 100%
February 2013	14	14	77-94%
March 2013	25	25	All 100%
April 2013	24	24	All 100%
May 2013	9	8	All 100%
June 2013	3	1	All 100%
July 2013	3	3	All 100%
August 2013	3	3	All 100%
September 2013	9	9	All 100%
October 2013	3	3	All 100%
November 2013	2	2	All 100%
January 2014	1	1	All 100%
February 2014	4	4	All 100%
March 2014	13	13	All 100%
April 2014	10	10	All 100%
May 2014	4	4	All 100%
June 2014	6	4	All 100%
July 2014	2	1	All 100%
August 2014	4	4	All 100%
<b>Total</b>	<b>175</b>	<b>160</b>	

**Table 4: BOD and TSS Summary for February 3, 2014.**

Sample Date	Data Source	Raw Data	Reported Data on DMR (mg/L)
2/3/2014	Dragon Analytical	No BOD or TSS analyzed for influent or effluent (only total coliform analyzed)	BOD Inf: 225 TSS Inf: 266 BOD Eff: 2 TSS Eff: 8.3