



SCOTT A. THOMPSON
Executive Director

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

KEVIN STITT
Governor

May 14, 2019

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Chris Browning, General Manager
Oklahoma City Water Utilities Trust
420 West Main, Suite 500
Oklahoma City, Oklahoma

Re: Notice of Violation No. S-20970-19-1
OCWUT Deer Creek WWTF Collection System
Facility No. S-20970
OPDES Permit No. OK0027561
Problem: Unpermitted Discharge(s)

NOTICE OF VIOLATION

Pursuant to 27A O.S. § 2-3-502 and Oklahoma Administrative Code ("OAC") 252:4-9-1, this is to provide you with notice of apparent violations of the Oklahoma Environmental Quality Code identified by the Department of Environmental Quality ("DEQ").

The Oklahoma City Water Utilities Trust ("Trust") owns and operates a publicly owned treatment works ("POTW"), which serves the residents of the City of Oklahoma City in Oklahoma County, Oklahoma. The POTW consists of collection lines, appurtenances, and an activated sludge wastewater treatment facility ("WWTF"), located in the NE ¼, Section 23, Township 14 North, Range 4 West of the Indian Meridian, Oklahoma County, Oklahoma. The WWTF discharges treated effluent to Deer Creek pursuant to OPDES Permit No. OK0027561 ("Permit") that DEQ issued to the Authority. The Permit became effective September 15, 2018.

On October 16, 2018, DEQ received a citizen complaint alleging an unpermitted discharge from a manhole located near the intersection of Northwest 192nd and North Meridian Avenue, which is within the Trust's wastewater collection system. On October 18, 2018, Amie D'Avis, Environmental Specialist for DEQ, investigated the complaint and noted a strong odor of sewage and solids around a manhole located in the area.

On November 9, 2018, the above-referenced complaint was referred to the Water Quality Division ("WQD") for further review and enforcement. A review of DEQ records indicates that the Authority properly reported and remediated the bypasses that occurred from this location.

On February 15, 2019, the violation and this Notice of Violation ("NOV") were discussed during a telephone conversation between Mr. Browning and Myles Mungle, P.E., District Engineer, Municipal Wastewater Enforcement Section ("MWES"), WQD, DEQ. Mr. Mungle explained that this Notice of Violation would be forthcoming and that the Trust would have an opportunity to respond.

707 NORTH ROBINSON, P.O. BOX 1677, OKLAHOMA CITY, OKLAHOMA 73101-1677

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This Notice is to inform you that discharging without a permit is a violation of the following provisions of Oklahoma Statutes, Oklahoma Administrative Code, and your Permit:

27A O.S. § 2-6-105(A) states that, “[i]t shall be unlawful for any person to cause pollution of any waters of the state or to place or cause to be placed any wastes in a location where they are likely to cause pollution of any air, land or waters of the state. Any such action is hereby declared to be a public nuisance.”

27A O.S. § 2-6-205(A) states that, “Except as otherwise provided in subsection B of this section, it shall be unlawful for any facility, activity or entity regulated by the Department of Environmental Quality pursuant to the Oklahoma Pollutant Discharge Elimination system Act to discharge any pollutant into waters of the state or elsewhere without first obtaining a permit from the Executive Director.

It is the Trust’s duty to correct the violation(s) cited above and to submit a written response explaining the cause of the violations to DEQ within thirty (30) days of receipt of this NOV.

Failure to correct the violations stated above may result in harm to the environment and/or health and well-being of the affected public. By discharging without a permit the Trust cannot verify that Oklahoma’s Water Quality Standards are being met. Failure to comply with the above-described rules allows untreated wastewater to enter the waters of the State, or elsewhere, which could result in oxygen depletion and subsequent injury, or death of aquatic organisms. Improperly or partially treated sewage can contain pathogens, or disease causing organisms, such as bacteria, viruses and protozoa. Some of the common diseases that can be transmitted by sewage include bacterial diseases (*E. coli* poisoning, salmonellosis, shigellosis, typhoid, and bacterial dysentery); viral diseases (polio and hepatitis); and protozoal diseases (amoebic dysentery, cryptosporidiosis, and giardiasis).

Your failure to either correct the violation(s) within the time specified above or to notify DEQ and demonstrate your intent to correct these violations within thirty (30) days of your receipt of this NOV will result in an escalated enforcement action against you. State statutes provide that DEQ may issue an Order under which corrective action may be ordered and administrative penalties assessed and/or injunctive relief sought.

If you have any questions about the requirements of this NOV, or if you believe the violations have been cited in error, please contact Mr. Mungle at the letterhead address or at (405) 702-8121. Thank you for your time and attention to this matter.

Sincerely,



Shellie R. Chard, Director
Water Quality Division
Oklahoma Department of Environmental Quality