



P.O. BOX 850 | COWETA, OKLAHOMA 74429 | PH. (918) 486-2189 | FAX (918) 486-5366 | www.cityofcoweta-ok.gov

AGENDA - SPECIAL MEETING
COWETA PUBLIC WORKS AUTHORITY
COWETA CITY HALL, 310 S. BROADWAY
THURSDAY, DECEMBER 21, 2023, 6:00 P.M.

MEETING PROCEDURE: Comments on all scheduled agenda items will be heard immediately following the presentation by staff or the petitioner. Please wait until you are recognized by the Chairman and keep your comments as brief as possible. Individuals addressing the Trustees must identify themselves by name prior to making any comments. The Trust Authority will consider, discuss, and may take action on, approve, adopt, amend, reject, deny, table, or not take action on any item listed on this agenda after comments from staff and the Trust Authority have been heard.

I. CALL TO ORDER

II. ROLL CALL

NAOMI HOGUE_____

HAROLD CHANCE_____

CAROLINE MARTIN_____

RANDY WOODWARD_____

III. ADMINISTRATION

1. SELECTION OF VICE-CHAIRMAN

DISCUSSION AND APPROPRIATE ACTION ON THE SELECTION OF A VICE-CHAIRMAN FOR THE COWETA PUBLIC WORKS AUTHORITY.

2. EASEMENT ACCEPTANCE

DISCUSS AND CONSIDER ACCEPTANCE OF A DRAINAGE EASEMENT FROM BARBARA AND STEVEN WOLFE.

Documents:

[DRAINAGE EASEMENT AGREEMENT WOLFE.PDF](#)

3. ODEQ CONSENT ORDER

DISCUSS AND CONSIDER APPROVAL OF A CONSENT ORDER BETWEEN THE COWETA PUBLIC WORKS AUTHORITY AND THE OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY IN CASE NUMBER 23-186, AND AUTHORIZATION FOR THE CHAIRPERSON TO EXECUTE THE CONSENT ORDER.

Documents:

[ODEQ CERTIFIED NOTICE DECEMBER 13 2023 RE WWTP CONSENT ORDER CASE NO 23_186.PDF](#)

4. RESOLUTION 2023-46 ADOPTING BUDGET AMENDMENTS

DISCUSS AND CONSIDER ACTION RELATED TO THE ADOPTION OF RESOLUTION 2023-46, A RESOLUTION OF THE BOARD OF TRUSTEES OF THE COWETA PUBLIC WORKS AUTHORITY ADOPTING AMENDMENTS TO THE ANNUAL APPROPRIATIONS FOR THE BUDGET OF THE COWETA PUBLIC WORKS AUTHORITY FOR FISCAL YEAR ENDING JUNE 30, 2024

Documents:

[231221-STAFF REPORT SUPPLEMENTALS - PWA RESO 2023-46.DOCX](#)
[231221-SUPPLEMENTALS RESO 2023-46-PWA.DOCX](#)

5. AWARD OF BID - WTP

DISCUSSION AND POSSITLBE AWARD OF A BID FOR REPLACEMENT OF EQUIPMENT AT THE WATER TREATMENT PLANT (TURBIDIMETERS, CONTROLLERS, CHLORINE ANALYZERS AND RELATED EQUIPMENT) AND AUTHORIZATION FOR THE INTERIM TRUST MANAGER TO EXECUTE A CONTRACT AND ANY OTHER DOCUMENTS RELATED TO THE PROJECT.

Documents:

[FY24 BID TABULATION-WATER PLANT.PDF](#)

6. AWARD OF BID - WWTP

DISCUSSION AND POSSITLBE AWARD OF A BID FOR REPLACEMENT OF EQUIPMENT AT THE WASTEWATER TREATMENT PLANT (TURBIDIMETERS, CONTROLLERS, CHLORINE ANALYZERS AND RELATED EQUIPMENT) AND AUTHORIZATION FOR THE INTERIM TRUST MANAGER TO EXECUTE A CONTRACT AND ANY OTHER DOCUMENTS RELATED TO THE PROJECT.

Documents:

[FY24 BID TABULATION- WASTEWATER PLANT.PDF](#)

IV. ADJOURNMENT

IF YOU REQUIRE SPECIAL ACCOMMODATIONS PURSUANT TO THE AMERICANS WITH DISABILITIES ACT, PLEASE CONTACT CITY HALL BY 9:00 A.M. THE DAY OF THE MEETING.

EXHIBIT "A"
DRAINAGE EASEMENT
PART OF THE NW/4 IN SEC. 18-T17N-R16E
CITY OF COWETA, WAGONER COUNTY, OKLAHOMA

A strip of land being a part of Block 18, NEW COWETA to the City of Coweta, Wagoner County, State of Oklahoma being more particularly described as follows:

BEGINNING at the southwest corner of said Block 18;

THENCE North, along the west line of said Block 18, a distance of 56.45 feet;

THENCE East, perpendicular to said west line, a distance of 5.00 feet;

THENCE South, parallel with and 5.00 feet east of said west line, a distance of 31.46 feet;

THENCE Southeast a distance of 19.61 feet;

THENCE East, parallel with and 8.00 feet north of the south line of said Block 18, a distance of 52.29 feet;

THENCE South, perpendicular to said south line, a distance of 8.00 feet;

THENCE West, along said south line, a distance of 67.09 feet to the POINT OF BEGINNING.

Said described strip of land contains an area of 862 square feet or 0.0198 acres, more or less.

THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

S:\Survey\Raw Files\22-151 Coweta Inspection Services\Coweta Drainage\CAD\22-151 EASEMENT EXHIBIT 091223.dwg



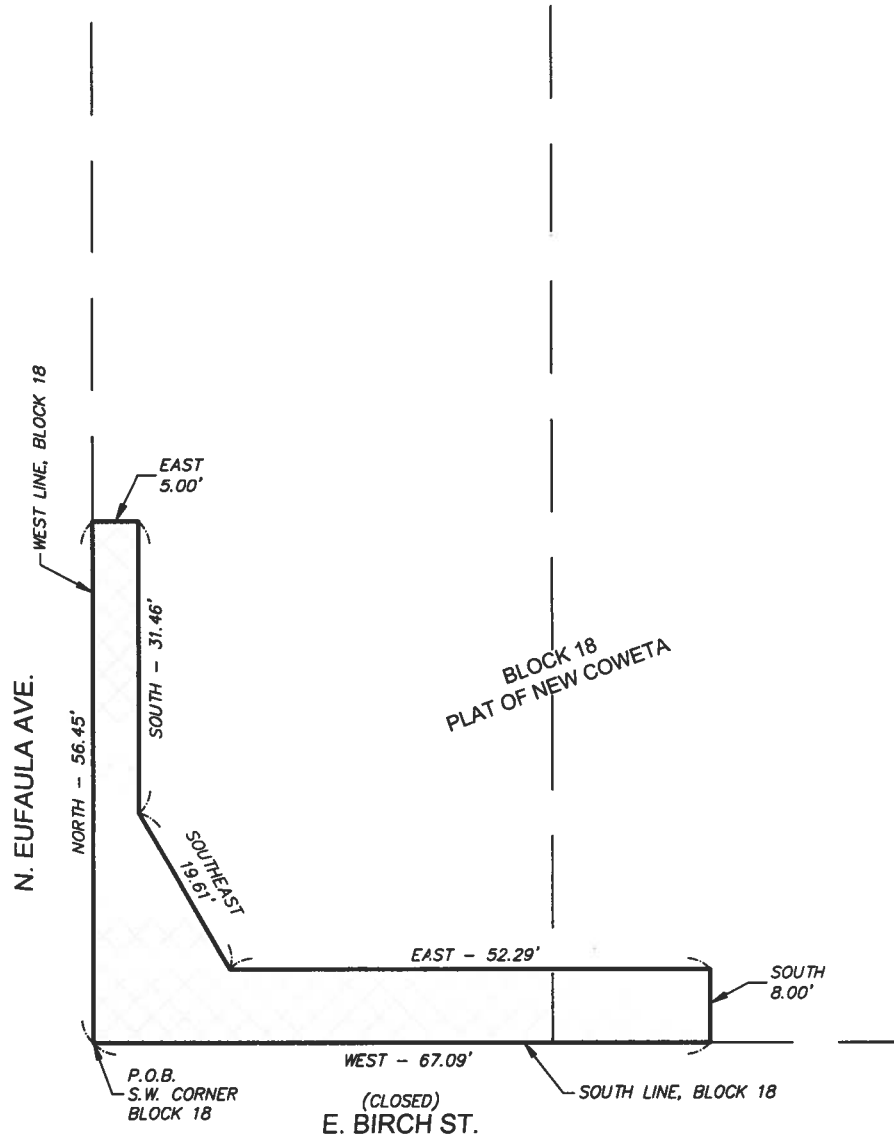
COWAN GROUP ENGINEERING
7100 N. GLASSEN, SUITE 500
OKLAHOMA CITY, OK 73116
405-463-3369 O 405-463-3381 F
WWW.COWANGROUP.CO
CA# 6414 EXPIRES 6/30/2024

CLIENT:	CITY OF COWETA
PROJECT NO:	22-151
DATE:	9/12/2023
REVISED DATE:	11/3/2023
DRAWN BY:	
PAGE:	1 OF 2

EXHIBIT "B"
DRAINAGE EASEMENT
PART OF THE NW/4 IN SEC. 18-T17N-R16E
CITY OF COWETA, WAGONER COUNTY, OKLAHOMA



SCALE
1" = 20'



THIS EXHIBIT IS NOT A LAND OR BOUNDARY SURVEY PLAT

S:\Survey\Raw Files\22-151 Coweta Inspection Services\Coweta Drainage\CAD\22-151 EASEMENT EXHIBIT 081223.dwg



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DRAWN BY:	
PAGE:	2 OF 2

DRAINAGE EASEMENT

THIS DRAINAGE EASEMENT is made and entered into on this 6th day of December, 2023.

RECITALS:

WHEREAS, BARBARA A. WOLFE & STEVEN T. WOLFE, wife and husband ("Grantors"), are the owners (either one or both) of a tract of land located in Wagoner County, Oklahoma, referred to herein as "Easement Tract" and described as follows:

SEE ATTACHED EXHIBITS "A" & "B"

NOW, THEREFORE in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, **BARBARA A. WOLFE & STEVEN T. WOLFE** do hereby grant, bargain, sell and convey unto the **CITY OF COWETA, OKLAHOMA**, a municipal corporation, and the **COWETA PUBLIC WORKS AUTHORITY** ("Grantees"), and their respective successors and assigns, a permanent and perpetual easement and right-of-way on, under, across and over the Easement Tract for the purpose of drainage of run-off water and storm/rain water, with the further right to change, repair, rework and maintain the same, including the right to perform earthwork and excavation to change the grade to facilitate efficient drainage.

Grantors grant to both Grantees (and either Grantee), and their officers, employees, agents and contractors, the right to enter onto said Easement Tract and onto the abutting property of Grantors on the Northerly and Easterly sides thereof in such a manner and at such times as may be necessary for the purpose of constructing stormwater drainage facilities for the collection, channeling and distribution of surface water; such drainage facilities to include excavation and grading for the purpose of construction and alteration of ditches for collection of stormwater run-off, and the right to rework, maintain and repair the same, and also for the purpose of constructing, laying, building, repairing and maintaining thereon certain stormwater drainage improvements, lines, culverts and catch basins, including such repairs, replacements and removal as may be from time to time be required, in the discretion of Grantee, and including the placement and installation of rock, including riprap and other barriers, to prevent soil erosion.

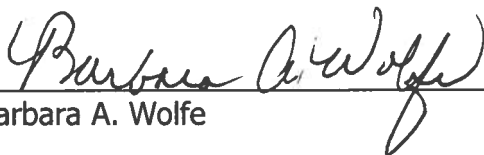
TO HAVE AND TO HOLD the Easement Tract to the City of Coweta and the Coweta Public Works Authority and their successors and assigns, free, clear and discharged of any and all claims of damages or injury that may be sustained directly or indirectly to the Easement Tract and the remaining adjacent lands of Grantors by reason of the construction of stormwater drainage facilities and

improvements, including all ditches, culverts, pipes and catch basins, and any other facilities which may now or hereafter be, in the discretion of the Grantees, necessary for the collection, control and channeling of surface water and stormwater. The City of Coweta and the Coweta Public Works Authority and their officers, agents, contractors and employees are hereby granted free access to said Easement Tract and the property of Grantors abutting the Easement Tract on the Easterly and Northerly sides thereof for the purpose of entering upon, excavating, constructing, installing, maintaining, removing, reworking, improving, relocating or repairing stormwater/surface water drainage facilities. The undersigned Grantors, for themselves and their heirs, successors and assigns, covenant and agree that no building, structure, or other above or below ground obstruction that will interfere with the purposes aforesaid, will be placed, erected, installed, or permitted upon the above described premises; and further covenant and agree that in the event the terms of this paragraph are violated by the undersigned, or any person in privity with them, such violation will be corrected and eliminated immediately upon receipt of notice from Grantees, or that Grantees shall have right to correct and eliminate such violation, and undersigned Grantors, and/or their successors and assigns, shall promptly pay the actual cost thereof.

This instrument shall be construed according to the laws of the State of Oklahoma. In the event any provision contained herein is finally determined to be invalid or unenforceable, such invalidity or unenforceability shall not affect the other provisions hereof which can be given effect without such invalid or unenforceable provision, and to this end the provisions hereof are declared to be severable.

IN WITNESS WHEREOF, the undersigned have executed this Drainage Easement as of the date first above written.

"GRANTORS"

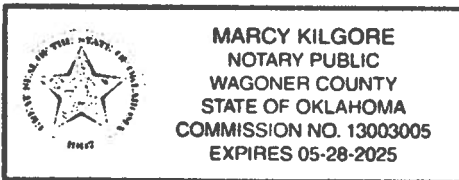

Barbara A. Wolfe


Steven T. Wolfe

ACKNOWLEDGMENT

STATE OF OKLAHOMA, COUNTY OF WAGONER, ss:

Before me, the undersigned, a notary public in and for said County and State, on this 6th day of December, 2023, personally appeared Barbara A. Wolfe and Steven T. Wolfe, wife and husband, to me known to be the identical persons who executed the above and foregoing instrument as their free and voluntary act and deed for the uses and purposes therein set forth, and as the free and voluntary act of the corporation.



Marcy Kilgore
Notary Public

**ACCEPTANCE BY THE CITY OF COWETA
AND THE COWETA PUBLIC WORKS AUTHORITY**

The above and foregoing "Drainage Easement" was accepted by the City Council of the City of Coweta, Oklahoma, and the Board of Trustees of the Coweta Public Works Authority on the _____ day of _____, 2023.

CITY OF COWETA, OKLAHOMA
COWETA PUBLIC WORKS AUTHORITY

By: _____
Naomi Hogue, Mayor/Chair

ATTEST:

Marcy Kilgore, City Clerk

ATTEST:

Logan Brown, Secretary
Coweta Public Works Authority

Oklahoma Dept of Environmental Quality
707 N Robinson Ave
Oklahoma City OK 73102-6010

USPS CERTIFIED MAIL



9214 8901 7960 5800 0498 00

WQD

NAOMI HOGUE CHAIRMAN
COWETA PUBLIC WORKS AUTHORITY
C/O: RONNY DOOLING DIRECTOR OF PUBLIC WORKS
PO BOX 850
COWETA OK 74429-0850

Coweta S-20410 CO 23-186
Heather Bateman



December 1, 2023

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Naomi Hogue, Chairman
Coweta Public Works Authority
c/o Ronny Dooling, Director of Public Works
P.O. Box 850
Coweta, Oklahoma 74429-0850

Re: Consent Order Case No. 23-186
Coweta Public Works Authority Wastewater Treatment Plant
Facility No. S-20410
OPDES Permit No. OK0020281
Problem(s): Permit Violation(s); 5-Day Biochemical Oxygen Demand Exceeded
Permit Limits

Dear Director Dooley:

The enclosed Consent Order Case No. 23-186 requires the Coweta Public Work Authority (Authority) to perform certain tasks to eliminate OPDES permit violations from its wastewater treatment plant (WWTP). The Consent Order establishes tasks and a schedule to bring the WWTP into compliance with Oklahoma statutes and regulations. The Consent Order also requires the City to pay an administrative penalty as outlined in Paragraph 24 of this Consent Order.

Please sign and mail the original to me: Oklahoma Department of Environmental Quality (DEQ), P.O. Box 1677, Oklahoma City, Oklahoma 73101-1677. **A file stamped copy of the signed original will be returned to you.** If this Consent Order is not signed and returned to DEQ within thirty (30) days of receipt, we will pursue other enforcement actions to ensure compliance.

If you have any questions concerning this Consent Order, please contact Jordan Hultgren E.I., District Representative, Municipal Wastewater Enforcement Section, Water Quality Division, DEQ at 405-702-8214 or write to Mr. Hultgren at the letterhead address.

Sincerely,

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

Enclosure: As stated

**STATE OF OKLAHOMA
DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER QUALITY DIVISION**

**IN THE MATTER OF:
COWETA PUBLIC WORKS AUTHORITY,**

RESPONDENT,

CASE NO. 23-186

FACILITY NO. S-20410

OPDES PERMIT NO. OK0020281

**PROBLEM(s): Permit Limit Violation(s);
5-Day Biochemical Oxygen
Demand Exceeded
Permit Limits**

CONSENT ORDER

The parties to this case, the State of Oklahoma, ex rel. Department of Environmental Quality (“DEQ”) and the Coweta Public Works Authority (“Respondent”) agree to this Consent Order in order to resolve certain environmental compliance issues.

This Consent Order (“Order”) supersedes and closes the Notice of Violation (“NOV”) No. S-20410-21-1 issued to Respondent on September 27, 2021.

FINDINGS OF FACT

1. Respondent owns and operates a publicly owned treatment works (“POTW”) which serves the residents of the City of Coweta in Wagoner County, Oklahoma. The POTW consists of wastewater collection lines, appurtenances, and an aerated flow-through lagoon wastewater treatment plant (“WWTP”) located in the NW¼, SW¼, Section 30, Township 17 North, Range 16 East of the Indian Meridian, Wagoner County, Oklahoma. The WWTP discharges treated effluent to Arkansas River pursuant to OPDES Permit No. OK0020281 (“Permit”), which became effective June 1, 2016.

2. On October 4, 2018, DEQ approved engineering report [ERS000073180530 (“ER”)] for upgrades to the WWTP to accommodate an average daily flow up to 1.5 MGD. Table 10 of the ER had the following schedule.

	Task	Date
1.	Submit ER to ODEQ	March 1, 2018
2.	Obtain ODEQ Concurrence	September 17, 2018
3.	Submit Application to amend OPDES Permit	October 1, 2018
4.	Submit Plans & Specifications to ODEQ	December 1, 2018
5.	Obtain ODEQ Permit	January 1, 2019
6.	Obtain Financing	March 1, 2019
7.	Start Construction	July 1, 2019
8.	Complete Construction	July 1, 2020
9.	Attain Compliance with OPDES Permit	August 1, 2020

3. Respondent is required to electronically submit Discharge Monitoring Reports (“eDMRs”) on a monthly basis. Since March 1, 2021, the Respondent has reported the following five-day biochemical oxygen demand (“BOD₅”) permit limit violations:

Monitoring Period	Parameter (units)	Reported Result	Permit Limit
Mar. 2021	BOD ₅ , mo. avg. conc., (mg/L)	32.3	30
Apr. 2021	BOD ₅ , mo. avg. conc., (mg/L)	75.75	30
Apr. 2021	BOD ₅ , wk. avg. conc, (mg/L)	112	45
Apr. 2021	BOD ₅ , mo. avg. load., (lb/d)	593.31	190.2
May 2021	BOD ₅ , mo. avg. conc., (mg/L)	65	30
May 2021	BOD ₅ , wk. avg. conc, (mg/L)	86	45
May 2021	BOD ₅ , mo. avg. load., (lb/d)	589.16	190.2
Jun. 2021	BOD ₅ mo. avg. conc., (mg/L)	100.6	30
Jun. 2021	BOD ₅ , wk. avg. conc, (mg/L)	164	45
Jun. 2021	BOD ₅ , mo. avg. load., (lb/d)	1001.41	190.2
Jul. 2021	BOD ₅ , mo. avg. conc., (mg/L)	68.75	30
Jul. 2021	BOD ₅ , wk. avg. conc, (mg/L)	93	45
Jul. 2021	BOD ₅ , mo. avg. load., (lb/d)	679.88	190.2
Aug. 2021	BOD ₅ , mo. avg. conc., (mg/L)	54.5	30
Aug. 2021	BOD ₅ , wk. avg. conc, (mg/L)	101	45
Aug. 2021	BOD ₅ , mo. avg. load., (lb/d)	295.64	190.2
Sep. 2021	BOD ₅ , mo. avg. conc., (mg/L)	42.5	30

Monitoring Period	Parameter (units)	Reported Result	Permit Limit
Sep. 2021	BOD ₅ wk. avg. conc, (mg/L)	61	45
Sep. 2021	BOD ₅ , mo. avg. load., (lb/d)	203.82	190.2
Nov. 2021	BOD ₅ , mo. avg. conc., (mg/L)	35	30
Dec. 2021	BOD ₅ , mo. avg. conc., (mg/L)	35	30
May 2022	BOD ₅ , mo. avg. load., (lb/d)	300.37	190.2
Jun. 2022	BOD ₅ , mo. avg. load., (lb/d)	296.16	190.2
Nov. 2022	BOD ₅ , mo. avg. conc., (mg/L)	30.1	30
Mar. 2023	BOD ₅ , mo. avg. load., (lb/d)	215.52	190.2
Apr. 2023	BOD ₅ , mo. avg. conc., (mg/L)	36.3	30
Apr. 2023	BOD ₅ wk. avg. conc, (mg/L)	69	45
Apr. 2023	BOD ₅ , mo. avg. load., (lb/d)	293.48	190.2
May 2023	BOD ₅ , mo. avg. load., (lb/d)	211.33	190.2

4. On September 27, 2021, DEQ issued Respondent NOV No. S-20410-21-1 for exceeding Permit effluent limits of BOD₅, as reported on the eDMRs for the monitoring periods of May 2020, and March through July of 2021. On November 1, 2021, DEQ received a letter in response to the NOV. The response stated the lagoons froze over in February of 2021 which damaged four out of the six aerators. After fixing the aerators, Respondent was unable to attain compliance with the effluent limits for BOD₅. The response further noted that Respondent investigated and found two sump areas in the chlorine contact basin and a pipe that connects lagoon cell #3 and the chlorine contact basin that all had excess buildup of sludge and algae.

5. Due to continuing Permit limit violations, on March 18, 2022, DEQ sent the Authority a letter requesting a schedule for any necessary upgrades to the WWTP to prevent further violations.

6. On March 25, 2022, Jordan Hultgren, E.I., and Elizabeth Denning, E.I., District Representatives for DEQ, met with Wes Richter, Director for Respondent, at the WWTP. At the time of the visit DEQ observed that the chlorine contact basin sump areas appeared to have a buildup of dark sludge material. Mr. Richter stated that the Respondent had some camera inspection work planned for the line segment between lagoon #3 and the chlorine contact basin. He also stated that Respondent was in the beginning stages of upgrading and expanding the WWTP.

7. On September 28, 2022, DEQ sent Respondent, a letter requesting the results of the camera inspection as well as an updated construction schedule for the proposed upgrades to the WWTP.

8. On October 28, 2022, DEQ received a letter from Respondent that contained the results from the camera inspection. The letter stated that Respondent found additional buildup of moss/sludge balls inside two (2) of the manholes between cell #3 and the chlorine contact basin. The letter stated that once a month, twice a month during the hotter parts of the year, Respondent would be completely draining the line and running a jetter through it to wash down the manholes to prevent the buildup of material in the effluent and subsequently prevent Permit limit violations. The letter further stated that Respondent would be submitting plans and specifications ("P&S") for the project specified in the approved ER for the WWTP in November of 2022.

9. On November 10, 2022, Mr. Hultgren contacted Mr. Richter to discuss the results of the camera inspection. Mr. Richter stated that Fats, Oils, and Grease ("FOG") balls continue to accumulate within the WWTP, which promotes the growth of moss in between cell #3 and the chlorine contact basin. He said he was unsure of why these accumulations are continuing at such a high rate.

10. On January 18, 2023, Respondent submitted P&S for the construction at the WWTP as referenced in Paragraph 2 above.

11. On January 25, 2023, DEQ sent Respondent a letter requesting an updated schedule of the tasks shown on Table 10 of the ER, as well as a standard operating procedure for cleaning out the area in between cell #3 and the chlorine contact basin, to include the frequency of cleaning and any other interim measures necessary to maintain compliance with the Permit. The letter further stated that Respondent must provide DEQ with a copy of its grease trap inspection program and any ordinances to support the program. If a grease trap inspection program and ordinances have not been instituted, Respondent was to provide DEQ with an anticipated implementation schedule for each.

12. On January 25, 2023, DEQ sent Respondent a Notice of Deficiency for the P&S. On May 31, 2023, Respondent sent DEQ revised P&S. DEQ and Respondent have had ongoing correspondence regarding the P&S that has resulted in a resubmission of revised P&S on August 30, 2023.

13. On June 1, 2023, Robyn Murray, Community Development Supervisor, City of Coweta (“City”), sent DEQ, an email with a proposed grease trap inspection program outline. The email stated that the City had not adopted a FOG ordinance, but would be targeting putting one up for a vote in September 2023.

14. On October 25, 2023, this Order was discussed during a telephone conversation between Ronny Dooling, Director for Respondent, and Jordan Hultgren, E.I., District Representative, for DEQ. Mr. Hultgren notified Mr. Dooling that DEQ would be offering Respondent this Order to resolve the issues related to the ongoing Permit limit violations. Mr. Dooling was notified of the administrative penalty included in this Order.

15. Respondent and DEQ agree that it is beneficial to resolve this matter promptly and by agreement.

16. Respondent and DEQ waive the filing of a petition or other pleading, and Respondent waives the right to a hearing.

CONCLUSIONS OF LAW

17. DEQ has regulatory jurisdiction and authority in this matter, and Respondent is subject to the jurisdiction and authority of DEQ under 27A Oklahoma Statutes (“O.S.”) § 1-3-101(B), 27A O.S. §§ 2-6-201 through 2-6-206, and the rules promulgated thereunder at the Oklahoma Administrative Code (“OAC”) 252:606.

18. Respondent and DEQ are authorized by 75 O.S. § 309(E) and 27A O.S. § 2-3-506(B) to resolve this matter by agreement.

19. By exceeding permit limits, Respondent has violated **OPDES Permit No. OK0020281** Part I(A), which specifies numerical effluent limitations for the discharge permit parameters listed above.

20. By exceeding permit limits, Respondent violated, **OPDES Permit No. OK0020281, Part III, Section C.4.b.** states, “The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of applicable state and federal laws and the Act, the Oklahoma Environmental Quality Code and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.”

21. By exceeding permit limits, Respondent violated **OAC 252:606-3-6** which states, “Applicants must comply with the terms of the permits that are issued.”

22. By exceeding permit limits, Respondent violated **OAC 252:606-1-3(b)(3)(W)** incorporates by **reference Title 40 of Code of Federal Regulations (“C.F.R.”) § 122.41(a)** that states, “The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of a permit renewal application.”

ORDER

23. Based on the above paragraphs, Respondent and DEQ agree, and it is ordered by the Executive Director as follows:

Task	Date Due
A. Submit approvable plans and specifications.	March 1, 2024
B. Submit updated Sludge Management Plan for the WWTP.	March 1, 2024
C. Adopt approvable FOG Ordinance.	April 1, 2024
D. Start Construction.	May 1, 2024
E. Complete Construction.	November 1, 2025
F. Attain 6 months of compliance.	May 1, 2026

24. Oklahoma Pollutant Discharge Elimination System Act, 27A O.S. §§ 2-6-201 through 2-6-206, authorizes DEQ to seek penalties of up to Ten Thousand Dollars (\$10,000) per day of violation, for each day during which a violation of the Act, Permit, associated rules, or Order continues. Based on the facts and circumstances of this case, DEQ assesses a total penalty of Thirty Thousand Dollars (\$30,000.00).

- a. Respondent agrees that within thirty (30) days after execution of this Order, Respondent will pay Fifteen Thousand Dollars (\$15,000.00) of the assessed penalty to DEQ.
- b. DEQ agrees to defer the remaining amount of the assessed penalty pending compliance with the task(s) listed in Paragraph 23 of this Order.
 - i. If Respondent fails to complete a task by the scheduled due date, the portion of the deferred penalty allocated to that task in subparagraph (iii) becomes immediately due and payable.

- ii. If Respondent completes a task by its due date, DEQ agrees to waive the portion of the deferred penalty allocated to that task in subparagraph (iii).
- iii. Task A - \$2,500.00
Task B - \$2,500.00
Task C - \$2,500.00
Task D - \$2,500.00
Task E - \$2,500.00
Task F - \$2,500.00

All penalty payments shall be by check or money order payable to: Oklahoma Department of Environmental Quality (or DEQ), showing the Case Number of this Order, and delivered to:

Accounts Receivable

Financial & Human Resources Management
Oklahoma Department of Environmental Quality
P.O. Box 2036
Oklahoma City, Oklahoma 73101-2036

25. Respondent agrees that if Respondent fails to complete any of the task(s) by the specified due dates set forth in Paragraph 23 of this Order, DEQ may assess stipulated penalties as follows:

TASK	PENALTY PER DAY
A.	\$140.00
B.	\$140.00
C.	\$140.00
D.	\$140.00
E.	\$140.00
F.	\$140.00

Stipulated penalties begin to accrue on the day performance is due, with the total amount of stipulated penalties not to exceed Thirty-five Thousand Dollars (\$35,000). If DEQ notifies Respondent that Respondent is not in compliance with this Order and that stipulated penalties are being assessed, Respondent may request a hearing to contest the finding of noncompliance.

26. If Respondent fails to pay any penalty, DEQ may bring a separate action for collection of the penalty in District Court. An action by DEQ for the collection of a penalty does not affect Respondent's duty to complete the tasks required by this Order.

GENERAL PROVISIONS

27. DEQ has received delegation from the United States Environmental Protection Agency, to implement and enforce the Federal National Pollutant Discharge Elimination System ("NPDES") program. A portion of the implementation and enforcement program is to issue timely enforcement actions and impose appropriate penalties. The federal program calls for a significant increase in monetary penalties should this Order be violated or future violations occur.

28. As used in this Order, an "approvable" submission to DEQ is to be considered a final submission. That is, all preliminary discussions between DEQ and Respondent regarding the requirements of a submission must be concluded prior to the date the submission is due so that the submission will be approvable as submitted. If the submission is not submitted in an approvable form by its due date, the submission will be considered late and Respondent will be subject to the stipulated penalties described in this Order.

29. Respondent agrees to perform the requirements of this Order within the time frames specified unless performance is prevented or delayed by events which are a "force majeure." For purposes of this Order, a force majeure event is defined as any event arising from causes beyond the reasonable control of Respondent or Respondent's contractors, subcontractors, or laboratories which delays or prevents the performance of any obligation under this Order. Examples are vandalism, fire, flood, labor disputes or strikes, weather conditions which prevent or seriously impair construction activities, civil disorder or unrest, and "acts of God." Force majeure events do not include increased costs of performance of the tasks agreed to in this Order or changed economic circumstances. Respondent must notify DEQ in writing within fifteen (15) days after Respondent knows or should have known of a force majeure event that is expected to cause a delay in achieving compliance with any requirement of this Order. Failure to submit notification within fifteen (15) days waives the right to claim a force majeure.

30. Respondent and DEQ may amend this Order by mutual consent. Such amendments must be in writing and the effective date of the amendments will be the date on which they are filed by DEQ. Any amendment to this Order may require the payment of an administrative penalty.

31. Upon their approval by DEQ, any final reports, plans, specifications, schedules, and attachments required under this Order are incorporated into it and enforceable under it. Failure to respond within a reasonable time to any errors, deficiencies, or other regulatory requirements identified by DEQ is a violation of this Order.

32. No informal advice, guidance, suggestions, or comments by employees of DEQ regarding reports, plans, specifications, schedules, and other writings affect Respondent's obligation to obtain written approval by DEQ when required by this Order.

33. Respondent agrees to allow agents of DEQ entry onto Respondent's property, at reasonable times and without advance notice, for the purposes of inspecting, sampling, testing, records review, and other authorized activities to assess compliance with Oklahoma statutes and rules and this Order. If Respondent is required to sample or test, Respondent agrees to give DEQ reasonable notice of the sampling or testing date and time and allow DEQ to observe and/or split-sample.

34. Unless otherwise specified, any report, notice, or other communication required under this Order must be in writing and must be sent to:

For DEQ:

Jordan Hultgren, E.I., District Representative
Municipal Wastewater Enforcement Section
Water Quality Division
Oklahoma Department of Environmental Quality
P.O. Box 1677
Oklahoma City, Oklahoma 73101-1677

For Respondent:

Ronny Dooling, Director
Coweta Public Works Authority
P.O. Box 850
Coweta, Oklahoma 74429-0850

35. This Order is enforceable as a final order of the Executive Director of DEQ. DEQ retains jurisdiction of this matter for the purposes of interpreting, implementing, and enforcing the terms and conditions of this Order and for the purpose of resolving disputes.

36. Nothing in this Order limits DEQ's right to take enforcement action for violations discovered or occurring after the effective date of this Order.

37. Nothing in this Order excuses Respondent from its obligation to comply with all applicable federal, state, and local statutes, rules, and ordinances. Respondent and DEQ agree that the provisions of this Order are considered severable, and if a court of competent jurisdiction finds any provisions to be unenforceable because they are inconsistent with state or federal law, the remaining provisions will remain in full effect.

38. The provisions of this Order apply to and bind Respondent and DEQ and their officers, officials, directors, employees, agents, successors, and assigns. No change in the ownership or corporate status of Respondent will affect Respondent's responsibilities under this Order.

39. Compliance with the terms and conditions of this Order fully satisfies Respondent's liability to DEQ for all allegations of noncompliance in this Order. If Respondent satisfies the requirements of this Order, DEQ will not pursue any other remedy, sanction, or relief that might otherwise be available to address the allegations of noncompliance in this Order. Nothing in this Order shall be deemed to satisfy Respondent's liability, if any, for actions or remedies not within the scope of authority of DEQ.

40. This Order is for the purpose of settlement. Neither the fact that Respondent and DEQ have agreed to this Order, nor the Findings of Fact and Conclusions of Law in it, shall be used for any purpose in any proceeding except the enforcement by Respondent and DEQ of this Order and, if applicable, a future determination by DEQ of eligibility for licensing or permitting. As to others who are not parties to this Order, nothing contained in this Order is an admission of Respondent of the Findings of Fact or Conclusions of Law, and this Order is not an admission by Respondent of liability for conditions at or near the Facility and is not a waiver of any right, cause of action or defense to which Respondent is otherwise entitled.

41. Respondent and DEQ agree that the venue of any action in district court for the purposes of interpreting, implementing, and enforcing this Order will be Oklahoma County, Oklahoma.

42. The requirements of this Order will be considered satisfied and this Order terminated when Respondent receives written notice from DEQ that Respondent has demonstrated that all the terms of the Order have been completed to the satisfaction of DEQ, and that any assessed penalty has been paid.

43. The individuals signing this Order certify that they are authorized to sign it and to legally bind the parties they represent.

44. This Order becomes effective on the date of the later of the two signatures below.

**FOR COWETA PUBLIC WORKS
AUTHORITY:**

**NAOMI HOGUE
CHAIRMAN**

DATE

**FOR DEPARTMENT OF
ENVIRONMENTAL QUALITY:**

**SCOTT A. THOMPSON
EXECUTIVE DIRECTOR**

DATE



POST OFFICE BOX 850 • COWETA, OKLAHOMA 74429 • PH. (918) 486-2189 • FAX (918) 486-5366 • www.cityofcoweta-ok.gov

Memorandum

To: Honorable Chair and Members of the Board of Trustees
From: Julie Casteen, Assistant Trust Manager
Re: Budget Amendments
Date: December 21, 2023

BACKGROUND

The Coweta Public Works Authority has received a Consent Order from the Oklahoma Department of Environmental Quality related to permit violations at the wastewater treatment plant. As a result of the violations, a fine of \$30,000 has been imposed.

The Consent Order outlines various tasks that must be completed to bring the plant into compliance. A payment of \$15,000 must be paid within 30 days of the order. The second half of the fine may be waived, provided the tasks are completed by the scheduled due date. However, staff recommends a budget amendment to cover the full penalty. In the event that part of the fine is waived, the amount not expended will be returned to fund balance.

Because the funding for this expense was not included in the FY23-FY24 Adopted Budget, supplemental appropriations are needed:

	<u>Supplemental Appropriation</u>	<u>Fund/Department</u>
Revenues:		
Fund Balance	\$30,000	PWA Utility Services Fund
Expenses:		
DEQ Penalties	\$30,000	Wastewater Department

STAFF RECOMMENDATION

Staff recommends adoption of Resolution 2023-46.

Attachments:

Resolution 2023-46

**COWETA PUBLIC WORKS AUTHORITY, COWETA, OKLAHOMA
RESOLUTION 2023-46**

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE COWETA PUBLIC WORKS AUTHORITY, COWETA, OKLAHOMA, ADOPTING AMENDMENTS TO THE ANNUAL APPROPRIATIONS FOR THE BUDGET OF THE COWETA PUBLIC WORKS AUTHORITY FOR FISCAL YEAR ENDING JUNE 30, 2024.

WHEREAS, the Coweta Public Works Authority has need for unexpected expenditures that were not appropriated in the adopted budget for fiscal year 2023-2024; and

WHEREAS, 11 O.S. Section 17-216 provides that supplemental appropriations may be made from unexpended and unencumbered fund balances on hand at the end of the preceding fiscal year which had not been anticipated or appropriated in the budget, for revenues received or to be received from sources not anticipated in the budget, or revenues received or to be received from anticipated sources but in excess of the budget amounts therefore; and

WHEREAS, the Coweta Public Works Authority desires to make supplemental appropriations for revenue sources and expenditures not appropriated in the budget.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE COWETA PUBLIC WORKS AUTHORITY that the following supplemental appropriations be made:

ACCOUNT #	DESCRIPTION	AMOUNT	REASON FOR EXPENDITURE	FUNDING SOURCE	FUND BALANCE AMOUNT
04-5370.034	DEQ Penalties	\$ 30,000	Consent Order	Fund balance	\$ 30,000
		<u>\$ 30,000</u>			<u>\$ 30,000</u>

PASSED BY THE BOARD OF TRUSTEES OF THE COWETA PUBLIC WORKS AUTHORITY, COWETA, OKLAHOMA, and signed by the Chairperson this 21st Day of December 2023.

Naomi Hogue, Chair

Attest:

Approved as to form:

Marcy Kilgore, Trust Secretary

Jeff Stephens, Trust Attorney

DECEMBER 18, 2023 2:00 P.M.

[illegible]

[illegible]